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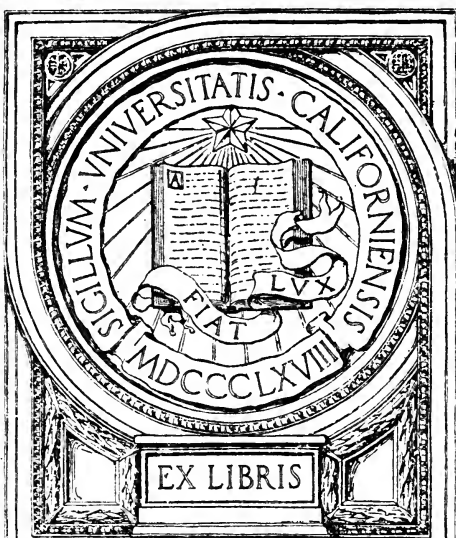
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# GEORGIA SCHOOL LAWS AND DECISIONS

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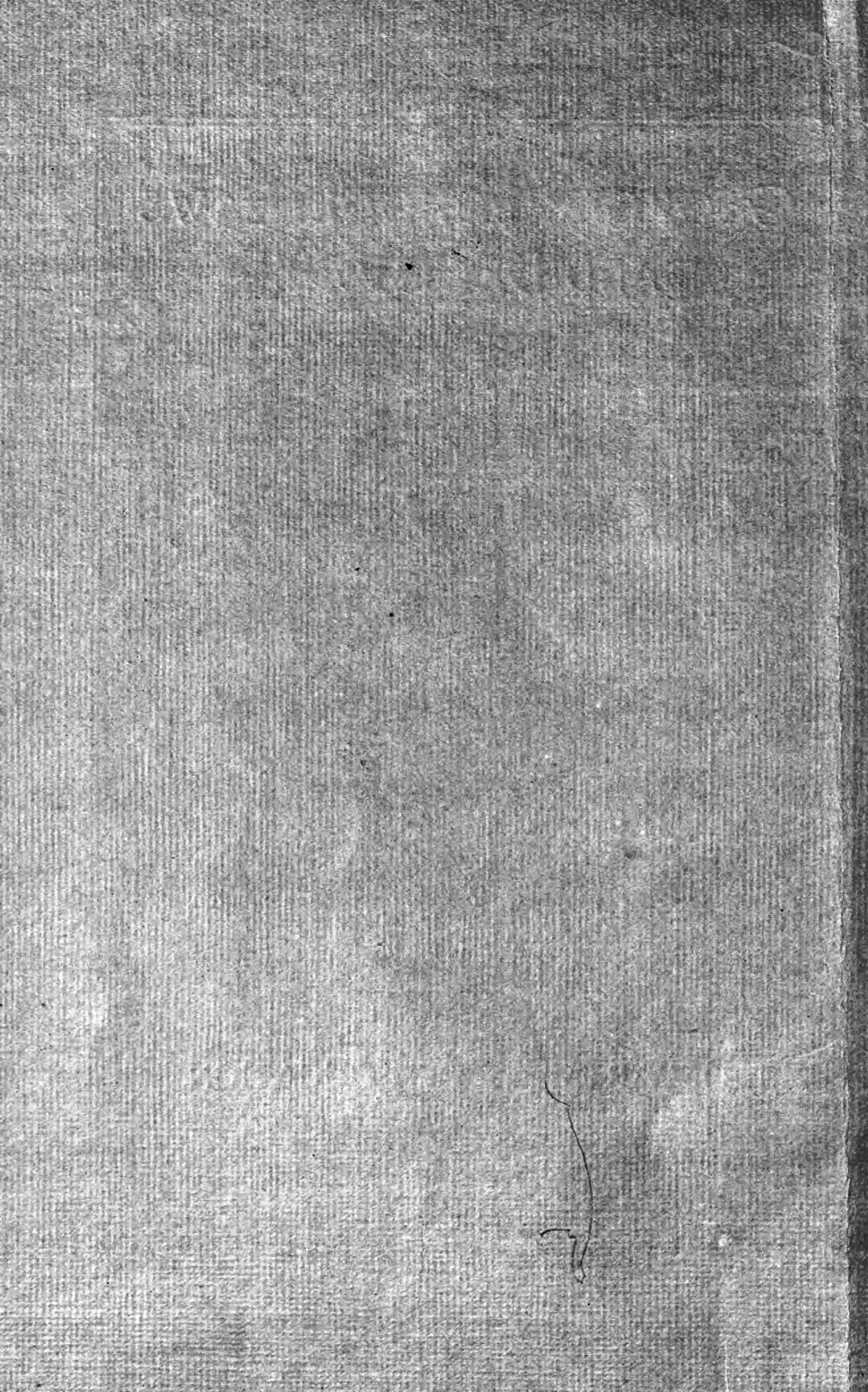


PUBLISHED BY THE  
DEPARTMENT OF EDUCATION

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M. L. BRITTAIN,  
STATE SUPERINTENDENT OF SCHOOLS

1912



COMPILATION  
OF  
LAWS AND DECISIONS  
RELATING TO THE  
Public School System  
OF  
GEORGIA

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For every pound you save in education you will spend five in prosecutions, in prisons, in penal settlements.—Lord Macaulay,

Among the duties of parents to children is that of giving them an education, suitable to their station in life; a duty pointed out by reason as of the greatest importance. For, as Puffendorf well observed, it is not easy to imagine or to allow that a parent has conferred any considerable benefit upon his child by bringing him into the world, if he afterwards entirely neglects to culture his education and suffers him to grow up like a mere beast to lead a life useless to others and shameless to himself,—Sir William Blackstone,

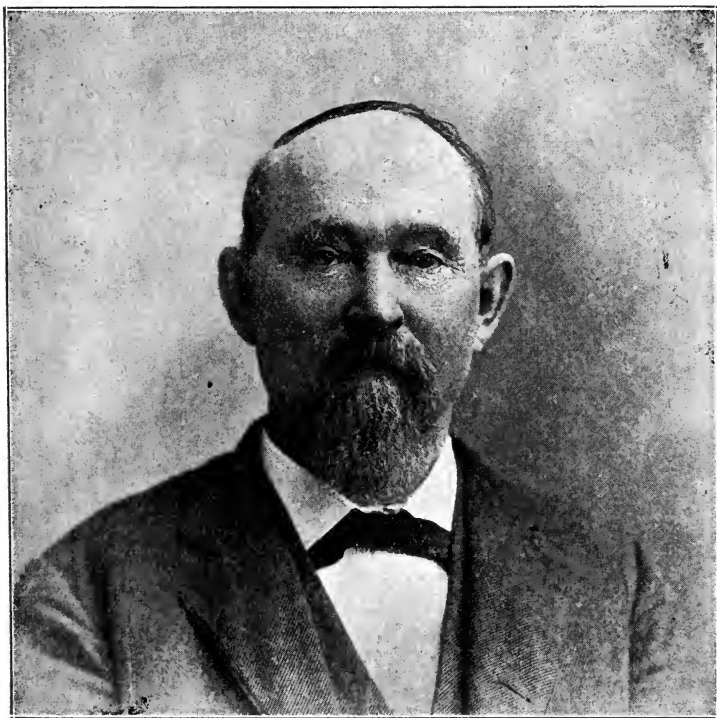
UNIV. OF  
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JUDGE THOMAS G. LAWSON  
VICE-CHAIRMAN STATE BOARD OF EDUCATION DIED APRIL 16, 1912.

TO VIVID  
AMPHOTIAO

## PREFACE

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**I**T was my wish in this publication to arrange more systematically our School Laws, to omit those no longer in force, by reason of recent legislation, in the interest of the teachers, school officials, and patrons to make this pamphlet a clear and intelligible text-book on the subject. The changes required, however, in order to carry this plan into execution were so numerous and vital that they could not be made without authority from the Legislature. This compendium is, therefore, practically the same as previous pamphlets on the subject except that some explanatory notes and the general school legislation of 1910, 1911 and 1912 have been added. If consent can be secured from the next General Assembly these laws, some of them obsolete and conflicting, should be rearranged and codified.

Very truly,

M. L. BRITAIN,  
State Superintendent of Schools.







# CONSTITUTION

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## ARTICLE VIII.

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### EDUCATION.

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#### SECTION I.

Paragraph I. There shall be a thorough system of common schools for the education of children in the elementary branches of an English education only, as nearly uniform as practicable, the expense of which shall be provided for by taxation, or otherwise. The schools shall be free to all children of the State, but separate schools shall be provided for the white and colored races.

NOTE.—The Constitutional amendment of 1910 delegated to counties the right to levy a tax for educational purposes, modifying the restrictive clause in paragraph 2, section 6, article 7, of the Constitution.

#### SECTION II.

Paragraph I. There shall be a State School Commissioner elected by the people at the same time and manner as the Governor and State-house officers are elected whose term of office shall be two years, and until his successor is elected and qualified. His office shall be at the seat of the government, and he shall be paid a salary not to exceed two thousand dollars (\$2,000) per annum. The General Assembly may substitute for the State School Commissioner such officer or offices as may be deemed necessary to perfect the system of public education.

NOTE.—State Superintendent of Schools substituted for State School Commissioner.

#### SECTION III.

Paragraph I. The poll tax, any educational fund now belonging to the State (except the endowment of, and debts due to, the University of Georgia), a special tax on shows and exhibitions, and on the sale of spirituous and malt liquors, which the General Assembly is hereby authorized to assess, and the proceeds of any commutation tax for military

service, and all taxes that may be assessed on such domestic animals as from their nature and habits, are destructive to other property, are hereby set apart and devoted to the support of common schools.

NOTE.—A fixed sum is now appropriated to the common schools amounting in 1912 to \$2,550,000.

#### SECTION IV.

Paragraph I. Authority may be granted to counties, upon the recommendation of two grand juries, and to municipal corporations upon the recommendation of the corporate authority, to establish and maintain public schools in their respective limits, by local taxation; but no such local laws shall take effect until the same shall have been submitted to a vote of the qualified voters in each county or municipal corporation, and approved by a two-thirds vote of persons qualified to vote at such election; and the General Assembly may prescribe who shall vote on such question.

NOTE.—McMichael Act, amended August 22, 1907, provides that two-thirds of those voting shall be necessary to carry the election for local taxation for public schools.

#### SECTION V.

Paragraph I. Existing local school systems shall not be affected by this Constitution. Nothing contained in section first of this article shall be construed to deprive schools in this State, not common schools, from participation in the educational fund of the State, as to all pupils therein taught in the elementary branches of an English education.

#### SECTION VI.

Paragraph I. The Trustees of the University of Georgia may accept bequests, donations and grants of land, or other property, for the use of said University. In addition to the payment of the annual interest on the debt due by the State to the University, the General Assembly may, from time to time, make such donations thereto as the condition of the treasury will authorize. And the General Assembly may also, from time to time, make such appropriations of money as the condition of the treasury will authorize to any college or university (not exceeding one in number) now established, or hereafter to be established, in this State for the education of persons of color.

PART I.

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# School Laws

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## STATE BOARD OF EDUCATION.

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### Members.

SECTION 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That the Governor, the Attorney-General, the Secretary of State, the Comptroller-General, and the State School Commissioner shall constitute the Georgia State Board of Education. Of this Board the Governor shall be *ex-officio* President, and the State School Commissioner the chief executive officer. The Clerk of the State School Commissioner, as hereinafter provided for, shall be the clerk of the State Board of Education. He shall be the custodian of its records, papers, and effects, and shall keep minutes of its proceedings, and said records, papers and minutes shall be kept in the office of the Commissioner, and shall be open to inspection.

Acts of  
1887, page  
68.

NOTE.—The Acts of 1911 provide that the State Board of Education shall be composed of the Governor, State Superintendent of Schools, and four other persons who shall be appointed by the Governor; at least three of said appointees shall be men of practical experience in teaching schools and of high standing in educational work, having had at least three years' practical experience in the schools of Georgia. See page 102, 1911 School Laws.

### Meeting—Quorum.

SEC. 2. That the said Board shall meet, upon the call of its President or a majority of its members, at the office of the State School Commissioner at the Capitol, or at such other place as may be designated in the call. A majority of the Board shall constitute a quorum for transacting business.

Acts of  
1887, page  
68.

**Donations for educational purposes.**

Acts of  
1887, page  
68.

SEC. 3. That said Board may take and hold, to it and its successors, in trust for the State, any grant or devise of lands, or any donation or bequest of money, or other personal property, made to it for educational purposes, and shall forthwith place in the hands of the Treasurer of the State for safe-keeping all moneys and personal property so received, and titles to land, taking therefor a receipt from said-officer. When it is evidently the intention of the donor or devisor that the *corpus* of moneys thus received is not to be used, the General Assembly may, from time to time, invest said moneys in the name of the State; *provided*, that all moneys obtained under this section, together with the profits accruing from investment, shall be subject to use only for educational purposes. The Treasurer of the State shall pay to the order of the Board the income or principal thereof as said Board may, from time to time, require in pursuance of law, but no disposition of any devise, donation or bequest shall be made inconsistent with the conditions or tenor of the devise, donation or bequest. For the faithful keeping of all property or moneys so received by the Treasurer, he shall be responsible upon his bond to the State, as for other funds received by him in his official capacity.

**Seal.**

Acts of  
1887, page  
69.

SEC. 4. That the State Board of Education shall procure a suitable seal, which shall be used for the authentication of the acts of the Board and the important acts of the State School Commissioner.

**Advisory body—hears appeals from decisions of State School Commissioner.**

Acts of  
1887, page  
69.

SEC. 5. That the State Board of Education shall constitute an advisory body, with whom the State School Commissioner shall have the right to consult when he is in doubt as to his official duty and also a body in the nature of a court of which appeals shall be made from the decisions of the State School Commissioner upon any question touching the construction or administration of the school laws and the

decision of the State Board, when rendered, shall be final and conclusive upon the matter in issue. Appeals to the State Board must be made through the County Commissioner in writing, and must distinctly set forth the question at law, as well as the facts, in the case upon which the appeal is taken. Upon any question involving the construction or administration of the school laws, the concurrence of a majority of the whole Board shall be necessary in order to give validity to the decision.

*Additional Duties of State Board of Education.*

As State Schoolbook Commission, State Board is required to select text-books for the common schools of the State. (Sec. Part xi.)

## PART II.

## STATE SCHOOL COMMISSIONER.

**Election—charged with administration of school law and superintendence of common school affairs.**

SECTION 1. There shall be a State School Commissioner elected by the people at the same time and manner as the Governor and State-house officers are elected, whose term of office shall be two years and until his successor is elected and qualified. His office shall be at the seat of government and he shall be paid a salary not to exceed two thousand dollars (\$2,000) per annum. The General Assembly may substitute for the State School Commissioner such officer or officers as may be deemed necessary to perfect the system of public education. He shall be charged with the administration of the school laws, and a general superintendence of the business relating to the common schools of the State. He shall prescribe suitable forms for the reports required of subordinate school officers and blanks for their guidance in transacting their official business and shall, from time to time, prepare and transmit to them such instruction as he may deem necessary for the faithful and efficient execution of the school laws, and by whatsoever is thus communicated to them shall they be bound to govern themselves in the discharge of their official duty: *provided nevertheless*, there shall always be an appeal from the State School Commissioner to the State Board of Education as hereinbefore enacted.

NOTE.—See note under paragraph I, section II, of Constitution; also page 102, 1911 School Laws.

**Some specific duties—Contents of Annual Report.**

SEC. 2. That it shall be the duty of the State School Commissioner to visit, as often as possible, the several counties of the State for the purpose of examining into the administration of the school law in said counties, of counseling with school officers, of delivering popular addresses, of inspecting

Acts of  
1887, page  
35.

Acts of  
1887, page  
69.

Acts of  
1887, page  
69.

school operations, and of doing such other acts as he may deem subservient to the interests of popular education.

SEC. 3. The State School Commissioner shall see that the proper actions provided by law are brought against all officers and agents of the system, who are liable to the same, for misappropriation of the school fund or other cause.

Acts of  
1887, page  
70.

SEC. 4. That the State School Commissioner shall make an annual report to the General Assembly, in which he shall present a statement of the condition and amount of all funds and property appropriated to the purpose of public education; a statement of the number of common and public schools of the various grades in the State; the number of scholars attending such schools, their sex, color, and the branches taught; a statement of the average cost per scholar of instruction under the common school system in each county; a statement of the plans for the management, extension and improvement of the common schools; a statement of the number of children of school age in the State, with as much accuracy as the same can be ascertained; also, a statement of the number of private schools and colleges of the different kinds in the State; the number of pupils in such schools or colleges; their sex, the branches taught, the average cost of tuition per scholar in said schools and colleges.

Acts of  
1887, page  
85.

#### Salary and expenses of office—oath.

SEC. 5. That the State School Commissioner shall be entitled to receive for his services the sum of two thousand dollars annually in quarterly installments. All his necessary traveling expenses incurred in the performance of his official duties, and all postage and other expenses absolutely necessary arising in his office, shall be paid by the State. He shall also be entitled to employ one clerk to aid him in his official duties. His clerk shall receive an annual salary, not exceeding twelve hundred dollars, to be paid quarterly. The salaries and other expenses named in this section shall be paid out of the State school fund on executive warrant. It shall also be the duty of said Commissioner to keep an itemized account of all expenses connected with his department, which accounts shall be audited by the State Board of Education.

Acts of  
1887, page  
71.



Acts of  
1887, page  
71.

SEC. 6. That before entering upon the discharge of his official duties, the said Commissioner shall take and subscribe to the same oath required of other officers of this State.

*Additional Duties of State School Commissioner.*

State School Commissioner is member of State Board of Education (Part 1, Sec. 1); uses seal (Part 1, Sec. 4); is member of Geological Board (Acts of 1894, page 111); Secretary and Executive Agent of State Board of Education (Acts of 1911).

## PART III.

## COUNTY BOARD OF EDUCATION.

Each county a school district.

SECTION 1. That hereafter each and every county in the State shall compose one school district, and shall be confided to the control and management of a County Board of Education.

Acts of  
1887, page  
71.

**Selection, qualification and term of office of members of County Board of Education—Compensation.**

SEC. 2. That the grand jury of each county (except those counties which are under a local system) in this State shall, from time to time, select from the citizens of their respective counties five freeholders, who shall constitute the County Board of Education. Said members shall be elected for the term of four years, and shall hold their offices until their successors shall be elected and qualified; *provided, however*, that no publisher of school-books, nor any agent for such publisher, nor any person who shall be peculiarly interested in the sale of school-books, shall be eligible for election as member of any Board of Education or as County School Commissioner of any county in this State; *provided further*, that whenever there is in a portion of any county a local school system having a Board of Education of its own, and receiving its *pro rata* of the public school fund directly from the State School Commissioner, and having no dealings whatever with the County Board of Education, then the members of the County Board of Education of such county shall be selected from that portion of the county not embraced within the territory covered by such local system.

Acts of  
1887, page  
62.

Acts of  
1887, page  
23.

See Part xiv, Note 4.

See Part xv, Note 1.

See 1911 School Laws, page 102.

SEC. 3. That the members of the Board of Education in each county shall be paid a *per diem* not to exceed two dollars for each day's actual service out of the school fund appro-

Acts of  
1887, page  
87.

priated to the county; and their accounts for service shall be submitted for approval to the Ordinary or County School Commissioner; and they shall not receive any other compensation, such as exemption from road and jury duty.

**Certification of election—removal from office—vacancies.**

SEC. 4. That whenever members of a County Board are elected or appointed in pursuance of the provisions of the above section, it shall be the duty of the Clerk of the Superior Court to forward to the State School Commissioner a certified statement of the facts, under the seal of the court, signed officially by him, as evidence upon which to issue commissions, and the corresponding evidence of the election of a County Commissioner shall be the certified statement of the Secretary *pro tem.* of the meeting of the Board at which the election was held. Any member or members of the County Board of Education shall be removable by the judges of the Superior Court of the county, on the address of two-thirds of the Grand Jury, for inefficiency, incapacity, general neglect of duty, or malfeasance or corruption in office; that the judges of the Superior Courts of this State shall have the power to fill vacancies by appointment in the County Boards of Education for the counties composing their respective judicial circuits, until the next session of the grand juries in and for said counties, when said vacancies shall be filled by said grand juries.

See Part xiv, Note 1.

See Part xiv, Note 2.

See Part xvii, Note 5.

**Officers—sessions.**

SEC. 5. That the Board of Education shall elect one of their number President, who shall serve as such during the term for which he was chosen a member of the Board. The County School Commissioner shall be *ex-officio* Secretary of the Board. A majority of the Board shall constitute a quorum for the transaction of business. It shall be the duty of said Secretary to be present at the meetings of the Board, and to record in a book, to be provided for the purpose, all their official proceedings, which shall be a public record

open to the inspection of any person interested therein, and all such proceedings, when so recorded, shall be signed by the President and countersigned by the Secretary.

NOTE.—It is important that the minutes of the meetings of the County Boards of Education shall be kept in full. Expenditures authorized should be itemized.

SEC. 8. That it shall be the duty of the County Board of Education to hold regular sessions on the first Tuesday of the month succeeding their election, and each three months thereafter, at the court house of the county for the transaction of business pertaining to the public schools, with power to adjourn from time to time, and in the case of the absence of the President or Secretary, they may appoint one of their own number to serve temporarily.

Acts of  
1887, page  
72.

Amended  
Acts of  
1893, page  
62.

**School Sub-Districts.—employment of teachers—written contracts with teachers—teachers' reports—appointment and duties of trustees.**

SEC. 7. That the County Boards shall lay off their counties into sub-school districts, in each of which sub-school district they shall establish one common school each for the white and colored races where the population of the two races is sufficient, which schools shall be as near the center of the sub-school districts as can conveniently be arranged, reference being had to any schoolhouse already erected, and population of said sub-school district, and to the location of white and colored schools with regard to contiguity; *provided, however*, that in such sub-school districts where more than one school is demanded, then they may establish one or more additional schools in such sub-school district; and *provided, also*, that whenever it becomes proper to lay off new sub-school districts, or alter the boundaries of those already laid off, the said Board shall have full power to make such changes as the public necessities may require.

Acts of  
1889, page  
124.

See Part xii, Sec. 1.

See Part xiv, Note 6.

See Part xiv, Note 9.

See Part xiv, Note 11.

See Part xvii, Note 7.

SEC. 8. The said County Boards are also empowered to employ teachers in the manner hereinafter pointed out, to

Acts of  
1889, page  
124.

serve in the schools under their jurisdiction, and the contracts for said service shall be in writing, signed in duplicate by the teacher on his own behalf and by the County School Commissioner on behalf of the Board.

NOTE.—A large number of the misunderstandings between commissioners and teachers come from failure to make contracts in writing.

See Part xiv, Note 8.

See Part xiv, Note 10.

See Part xiv, Note 12.

It shall be the duty of the teachers to make and file with the County Commissioners at the expiration of each term of school, a full and complete report of the whole number of scholars admitted to the school during said term, distinguishing between males and females and colored and white, together with the names thereof, and the entire and the average attendance, the branches taught, the number of pupils engaged in the study of each of the said branches, and such other statistics as he or she may be required to report by the County Commissioner, or by the State School Commissioner, and until such report shall have been prepared, sworn to and filed by said teacher as aforesaid, it shall not be lawful for said County Commissioner to audit the account of said teacher for his or her services.

See Part xv, Note 4.

SEC. 9. That the County Boards of Education, whenever, in their opinion, the good of the schools in their respective counties demand it, may, at their discretion, appoint three intelligent, upright citizens of each subdistrict of their respective counties to act as school trustees for their subdistricts, naming one of the appointees to serve for one year, and one for two, and one for three years; and as vacancies occur by the expiration of the terms of incumbents, the Board shall fill those vacancies with appointees whose term of service shall be three years; and should vacancies occur by death, resignation, or otherwise, the Boards of Education shall fill these vacancies for the unexpired term; and whenever School Trustees are chosen as herein provided, the fact shall be recorded in the minutes of the County Boards, and the appointees shall receive certificates of their appointment from the County School Commissioner, and these certificates

Acts of  
1887, page  
77.

Acts of  
1889, page  
122.

shall be their sufficient warrant for entering upon and performing the duties of their office. That it shall be the duty of the School Trustees herein provided for to supervise the school operations of their subdistricts, to visit the schools, and to make such recommendations to the County Boards, in relation to the school interests of their subdistricts, as may seem to them best, and especially in the matter of choosing teachers for their subdistricts. It shall be their right to recommend applicants, and it shall be the duty of the County Boards to choose as teachers the persons so recommended; *provided*, they shall be persons duly qualified and eligible according to the provisions of existing law; and furthermore, it shall be the duty of the School Trustees, in recommending persons as teachers, to recommend those persons who, in their opinion, are the choice of the communities to be served; and it shall, furthermore, be the duty of the School Trustees to make a written report, once a year, to the County Boards in relation to the matters committed to their supervision, or oftener if required by the County Boards of Education.

*Note—Duties of Trustees.*

“You are, therefore, hereby authorized and required to perform all the duties incumbent on you as a Trustee aforesaid, according to law and the trust reposed in you. This commission is to continue in force during active and efficient service and for the term pointed out by the laws of the State, which say that this certificate shall be your sufficient warrant for entering upon and performing the duties of your office. These duties are as follows: To visit your school; to inspect the school work in your district, giving special attention to oral and written examinations of pupils; to make general recommendations to the County Board of Education for the advancement of the school interests in your districts; to aid, by recommendation of desirable applicants, the County Board of Education in choosing teachers for your schools; to see that the school house is in good repair and equipped for good work, and that the school grounds are properly improved and supplied with shade, fuel, water and other necessities; to make a written report, once a year, to the County Board, in relation to the matters committed to your supervision, or oftener if required by the County Board of Education.

“As you have opportunity, impress upon patrons and pupils the importance of regular attendance, of hearty home co-operation, and establishing and using school libraries.”—*Extract from Trustee's Commission.*

**School property—races taught separately—building of schoolhouses—defining and regulating public school term.**

SEC. 10. That the County Board of Education shall have power to purchase, lease, or rent school sites; to build, repair, or rent schoolhouses; to purchase maps, globes and school furniture, and to make all other arrangements of this kind necessary to the efficient operation of the schools under their care; and the said Boards shall also be, and are hereby, invested with the title, care, and custody of all schoolhouses, sites, school libraries, apparatus, or other property belonging to subdistricts, as now defined, or as may hereafter be defined, in their several counties, with all power to control the same, in such manner as they think will best subserve the interests of common schools; and when, in the opinion of the Board, any schoolhouse site has become unnecessary or inconvenient, they may sell and convey the same in the name of the County Board of Education, such conveyance to be executed by the President or Secretary of said Board according to the order of the Board. They shall have power to receive any gift, grant, donation, or devise made for the use of common schools within their respective counties; and all conveyances of real estate which may be made to said Board shall vest the property in said Board of Education and their successors in office. It shall also be the duty of said Board of Education to make arrangements for the instruction of the children of the white and colored races in separate schools. They shall, as far as practicable, provide the same facilities for both races in respect of attainments and abilities of teachers and length of term-time; but the children of the white and colored races shall not be taught together in any common or public school of this State; and in respect to the building of the schoolhouses mentioned in this Section, the said Board of Education may provide for the same, either by labor on the part of the citizens of subdistricts to be served, or by a tax on their property, as may be hereinafter provided.

SEC. 11. The several County Boards of Education of this State shall have full power and authority to define and regulate the length of the public school terms of their respective counties.



**Judicial tribunal—appeals.**

SEC. 12. That the County Board of Education shall constitute a tribunal for hearing and determining any matter of local controversy in reference to the construction or administration of the school law, with power to summon witnesses and take testimony if necessary; and when they have made a decision, said decision shall be binding upon the parties to the controversy; *provided*, that either of the parties shall have the right to appeal to the State School Commissioner, and said appeal shall be made through the County Commissioner in writing, and shall distinctly set forth the question in dispute, the decision of the County Board and the testimony, as agreed upon by the parties to the controversy, or if they fail to agree, upon the testimony as reported by the Commissioner.

Acts of  
1887, page  
74.

**Vaccination.**

SEC. 13. That the County Board of Education in the counties of this State, and the Boards of Public Education for the cities of this State, be, and they are hereby, authorized and empowered to make such regulations as in their judgment shall seem requisite to insure the vaccination of the pupils in their respective schools, and may require all scholars or pupils to be vaccinated as a prerequisite to admission to their respective schools.

Acts of  
1880-81,  
page 97.

*Additional Duties of Members of County Board of Education.*

County Board of Education authorized to administer oaths in certain instances. (See Part iv, Sec. 9.

County Board of Education selects the months (within the proper calendar year) in which schools shall be operated. (See Part v, Sec. 4.)

## PART IV.

## COUNTY SCHOOL COMMISSIONER.

## 1. Term—examination—election—bond—oath.

Acts of  
1887, page  
74.

SECTION 1. That the County Board of Education shall, from the citizens of their counties, select a County Commissioner of Education, who shall be *ex-officio* county superintendent of the common schools, and who shall hold his office for the term of four years. Before election the applicants for positions of County School Commissioner shall be examined by the President of the County Board of Education, or by some one appointed by him or the Board for that purpose, upon written or printed questions, which shall be furnished to the Board by the State School Commissioner—said examination to be upon the subjects taught in the common schools, upon the science and theory of common school teaching and government, and upon such other subjects as the State School Commissioner may deem proper. The said County Board of Education shall then elect such applicant County School Commissioner who has stood satisfactory examination, taking into consideration the moral character, business qualifications, and general availability of each applicant. The County School Commissioner so elected shall be required to give bond with good security payable to the County Board of Education, conditioned upon the faithful performance of his duty under the law, the amount and sufficiency of the security to be judged by the County Board of Education.

NOTE.—County School Superintendent substituted for County School Commissioner. See 1911 School Laws, page 102, for duties, qualifications, election, etc.

See Part xvi, Note 8.

See Part xvii, Note 6.

NOTE.—A County School Commissioner may be postmaster, but can not hold any other office of profit or trust under the Government of the United States or of any of the several States, or of any foreign State. (See Code, Vol. 1, Sec. 223.)

SEC. 2. Before entering upon the discharge of his official duties the said Commissioner shall take and subscribe to the same oath required of the other officers of this State.

Acts of  
1887, page  
75.

#### **Removal from office—successor.**

SEC. 3. The County School Commissioner may be removed from office before the expiration of his term by a majority vote of the Board of Education for inefficiency, incapacity, neglect of duty, or malfeasance or corruption in office; *provided*, that any Commissioner so removed shall have the right of appeal from the action of the County Board to the State School Commissioner, and from the State School Commissioner to the State Board of Education.

Acts of  
1887, page  
75.

SEC. 4. Should there be a vacancy in the office of County School Commissioner, by resignation or otherwise, an examination and election for the remainder of the vacant term shall be held in the same manner, and by the same authorities, as for that of a full term.

Acts of  
1887, page  
75.

#### **Duties—compensation—office—compensation in special cases.**

SEC. 5. That the County Commissioner shall constitute the medium of communication between the State School Commissioner and the subordinate school officers; that he shall visit each school in his county at least once during the school term, or twice if practicable, and oftener if ordered by the Board, and without notice to the teachers, for the purpose of inspecting its management and the mode of instruction, and of giving such advice and making such suggestions as shall tend to elevate it in character and efficiency. He shall be the agent of the County Board in procuring such school furniture, apparatus, and educational requisites as they may order to be purchased, and shall see that none but the prescribed text-books are used by the pupils; that it shall be his duty to audit all accounts of teachers and others before an application is made to the County Board for an order for payment, and that the said County Commissioner shall procure a book, in which he shall keep a record of his official acts, which, together with all the books, papers and property ap-

Acts of  
1887, page  
77.

pertaining to his office, he shall turn over, on his resignation, or at the expiration of his official term, to his successor.

See Part xv, Note 2.

It shall be the duty of every County School Commissioner in this State to place upon all teachers' licenses issued by them the seal of the Board of Education of the county for which they are commissioner.

SEC. 6. That the said County Commissioner shall receive such compensation as the County Board may allow him, not to exceed three dollars per day, to be determined by the County Board of Education, for each day actually employed in the discharge of his official duties, the same to be paid out of the educational fund furnished to the county. His claim for services shall be presented in the form of an account against the County Board of Education, and shall be verified by affidavit, to the effect that the said account is just and true; that the service therein named was honestly and faithfully rendered, and that the sum therein claimed is rightfully due, and remains unpaid. When said account shall have been duly audited and approved by the County Board, the said Commissioner shall retain his pay out of the revenue aforesaid; *provided*, that the County Board of Education shall determine the number of days in each year in which said County Commissioner may labor in the performance of the duties required of him.

NOTE.—Minimum salary of County School Superintendent, \$450, with allowance of \$150 for expenses of visiting schools. No maximum limit specified. See 1911 School Laws, page 102.

SEC. 7. County Boards of Education in counties having a population of more than sixty thousand inhabitants, shall be authorized and empowered to pay the County School Commissioners of such counties such salary in lieu of a *per diem*, as the said County Boards of Education shall fix, not to exceed the sum of eighteen hundred dollars per annum.

SEC. 8. That it shall be the duty of the county authorities of the different counties of this State to furnish the County School Commissioners thereof an office in the court-house thereof; *provided*, there is sufficient room in said court-house

Acts of  
1897, page  
92.

Acts of  
1887, page  
77.

Acts of  
1896, page  
71.

Acts of  
1903, page  
63.

after furnishing the county officers of such county with offices as now provided by law.

**School officers authorized to administer oaths.**

SEC. 9. That County School Commissioners and members of the County Boards of Education shall be empowered and authorized to administer such oaths as may be necessary in transacting school business, or in conducting investigations before the County Boards when sitting as judicial tribunals for determining controversies arising under school laws.

Acts of  
1887, page  
81.

**Report to grand jury—duty of grand jury in matter of report.**

SEC. 10. That it shall be the duty of the County School Commissioner of each of the counties of this State to make a report of the school operations of the preceeding year to the grand jury, at the spring term of the court, and to place his books before them for examination; and in making up the general presentments, it shall be the duty of the jury to take proper notice of the matters thus brought to their attention.

Acts of  
1887, page  
81.

**County School Commissioners Elected by the People.**

SECTION 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, that from and after the passage of this Act, the County School Commissioners in the various counties of this State shall be elected by the electors of their respective counties, who are entitled to vote for the members of the General Assembly at the general election held for such members next preceding the expiration of each County School Commissioner's present term of office and for a term of four (4) years and until their successors are elected and qualified.

SEC. 2. Be it further enacted, That the examination now required by Section 1366 of Volume I of the Code of 1895, be held at least ninety (90) days before day of election and all candidates for such offices shall stand said examination and those who fail to make the per cent. hereinafter set out, shall by the Board of Education be declared ineligible to hold the office of County School Commissioner.

SEC. 3. Be it further enacted, That all applicants standing said examination shall be required to make (85%) eighty-five per cent. in said examination before they shall be declared eligible to hold office of County School Commissioner by said Board of Education.

NOTE.—For qualifications, see 1911 School Laws, page 102.

Acts of  
1909, page  
154.

SEC. 4. Be it further enacted, That in case of a vacancy by death, resignation, removal from office or any cause whatsoever in the office of County Commissioner in any county of this State, the County Board of Education shall elect a County School Commissioner for the unexpired term; *provided*, said unexpired term is for a period less than one year (1), but should said vacancy occur one year (1) or more before the expiration of said term, then and in that event the Ordinary shall order an election for the unexpired term, said election to be held within ninety (90) days after vacancy occurs.

NOTE.—The Board has the right to elect for an unexpired term of any length. See 1910 School Laws, page 96.

SEC. 5. Be it further enacted, That all laws and parts of laws in conflict with this Act are hereby repealed.

Approved August 16th, 1909.

NOTE.—During the last two years an annual statement of the account of each County School Commissioner has been furnished to the County School Commissioner and to the grand jury through the Clerk of the Superior Court.

#### *Additional Duties of County School Commissioners.*

County School Commissioner is secretary of County Board of Education (Part iii, Sec. 5); issues certificates to School Trustees (Part iii, Sec. 9); forwards appeals, in writing, from decision of County Board of Education to State School Commissioner (Part iii, Sec. II); makes monthly statements to State School Commissioner (Part v, Sec. 3); operates institutes (Part vii, Sec. 1); examines applicants for license to teach (Part viii, Sec. 1).

County School Commissioner—Election of is certified by secretary of meeting at which election is held (Part iii, Sec. 4).

## PART V.

## FINANCIAL.

**School fund to be paid directly into State Treasury—Apportionment.**

SECTION 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That beginning with the taxes for the year 1895, all moneys belonging to the common school fund of the State, including poll taxes and specific taxes, shall be paid direct into the State Treasury in like manner as other States taxes are paid, and said common school fund shall be used for no other than common school purposes, as provided by law.

Acts of  
1894, page  
60.

Note.—The amount of the state school fund is dependent upon the action of the legislature. For 1912 it is \$2,550,000.

SEC. 2. That from and after the first day of January, 1899, or as soon thereafter as practicable, the Treasurer of the State shall place to the credit of each county in the State, on his books, its proportionate part of the common school fund in the treasury on the first day of each month, such proportionate part to be determined by the State School Commissioner, the Comptroller-General and the Treasurer, and to be based upon the proportion which the school population in each county bears to the school population in the State as shown by the last school census; *provided, however*, that the salaries of the State School Commissioner and his clerk or clerks, and the expenses of his office, and any other items properly chargeable under the law to the general school fund, shall be deducted out of said fund before making the afore-said apportionment to the counties.

Amended  
Acts of  
1894, page  
67.

**Itemized Statements of claims against school fund—prompt disbursement.**

SEC. 3. That the County School Commissioner of each county shall, under the approval of the County Board of Education, transmit to the State School Commissioner an itemized

Amended  
Acts of  
1894, page  
60.



statement of the various sums due and unpaid by the county Board of Education on said several dates mentioned in Section 2, whether the same be for teachers' salaries, for pay of the County School Commissioner, or for any other item of expense properly chargeable under the law to the County Board of Education, and when said itemized statements have been approved by the State School Commissioner and presented to the Governor, the Governor shall issue his warrants upon the Treasurer for all the funds standing to the credit of each of the several counties upon the books of the Treasurer, or for such part thereof as may be needed to liquidate the indebtedness to the County Board of Education of such county, as shown by each itemized statement aforesaid. And the State Treasurer shall, upon the presentation of the warrants aforesaid, draw his checks for the amount of said warrants in favor of the County School Commissioners of the several counties, and the State School Commissioner shall immediately transmit said checks to the several County School Commissioners, who shall promptly disburse the money so received in payment of the sums set out in the itemized statement aforesaid; and if the money is not sufficient to pay said sums in full, then it shall be prorated among the various items; *provided*, that the expenses of administration for each month shall first be paid in full, and the County Boards of Education are hereby authorized to make their contracts in such manner that the amounts payable to teachers for services rendered shall become due and payable monthly.

See Part xv, Note 3.

See Part xvii, Note 3.

### School year begins January 1st—operation of schools.

SEC. 4. That beginning with January 1st, 1895, and continuing thereafter, the school year shall be coincident with the calendar year, to-wit: from January 1st to December 31st thereafter, and the State School Commissioner, State Treasurer, and Comptroller-General shall, on or before the first Tuesday in December each year, beginning in 1894, or as soon thereafter as practicable, make an estimate of the entire common school fund for the State for the next succeeding

school year, and shall at once communicate in writing to the County School Commissioner of each county the amount of money that will be payable to his county; and on the first Tuesday in January in each year, or as soon thereafter as practicable, each County Board of Education shall meet and make the necessary arrangements for placing the schools in operation for the next school year, and shall have full authority in their discretion either to fix salaries for the payment of teachers, or to pay them according to the enrollment or attendance; *provided*, that nothing in this Act shall be construed to affect the right of the respective counties of the State to select the time of operating their schools, which shall be left entirely to the County Boards of Education, nor shall it affect or change the time of operating their schools under any special or local laws in any county in this State; *provided further*, it shall not affect the monthly payment of teachers as by this Act directed.

See Part xiv, Note 13.

See Part xvi, Note 5.

Acts of  
1898, page  
71.

### Payments to local school systems.

SEC. 5. That in those counties having local school laws where the schools are sustained by local taxation for a period of five months or more, the State School Commissioner shall, on the first day of each month, or as soon thereafter as practicable, notify the Governor of the amount of funds standing to the credit of each of such counties on the books of the Treasurer on said dates, and thereupon the Governor shall issue his warrants for said sums and the Treasurer shall draw his checks for said sums without requiring the itemized statements as provided in Section 33; and the State School Commissioner shall immediately transmit said checks to the officer under the local school system authorized to receive its funds, and the State School Commissioner shall, in like manner, pay over to the proper officer under the school board of any town or city having a school system sustained by local taxation for a period of five months or more, and to which he is now authorized by law to make direct apportionments, such proportion of the entire county fund as shown on the books of the Treasurer as the school population of the town

Acts of  
1893, page  
60.

Amended  
Acts of  
1894, page  
61.

or city bears to the population of the county, as shown by the last school census; *provided*, that all children of school age resident in said county, and attending the public schools of such town or city, shall be counted in the school population of such town or city and be entitled to have their share of such county fund paid over to the proper officers of the school board of such town or city.

(See Report State Department of Education, 1902, page 192.)

### Estimate of school fund.

SEC. 6. That the school fund for each calendar year shall be a fixed and specified sum, and in order to carry out this provision the State School Commissioner, the Comptroller-General, and the Treasurer shall, on the first Tuesday of December of each year, beginning with 1894, or soon thereafter as practicable, make an estimate of what the school fund for the ensuing year shall be from the specific taxes, direct appropriations, and from any other sources of supply which now belong to the school fund or may hereafter belong to the school fund, and said fund, when so estimated, shall be available and payable at the time specified in this Act; *provided*, that in the event that the said specific taxes shall fall short of said estimate, then the balance necessary to meet the provisions of said estimate is hereby authorized to be paid from any fund in the treasury not otherwise appropriated.

SEC 7. That when the State School Commissioner, the Comptroller-General and the Treasurer shall meet on the first Tuesday in December, or as soon thereafter as practicable, as provided in this Act, to make the estimate of the school fund provided for in Section 4 of this Act, they shall base said estimate upon the amount of school fund coming into the treasury for the year preceding the year for which said estimate is made.

### Sources of school fund.

SEC. 8. That for the support and maintenance of the common schools of this State, the poll tax, special tax on shows and exhibitions, all taxes on the sale of spirituous and malt liquors, dividends upon the stock of the State in the Bank of the State of Georgia, Bank of Augusta, Georgia

Amended  
Acts of  
1894, page  
62.

Acts of  
1894, page  
62.

Acts of  
1887, page  
70.

Railroad and Banking Company, and such other means or moneys as now belong by law to the Common School Fund, one-half of the proceeds of the rental of the Western & Atlantic Railroad, or one-half of the annual net earnings of said railroad as ascertained by subtracting the annual cost of running and keeping up the road from the annual gross receipts under any charge of policy which the State may adopt hereafter in reference to said railroad; all endowments, devises, gifts and bequests made, or hereafter to be made, to the State Board of Education; the proceeds of any commutation tax for military service; all taxes which may be assessed on such domestic animals as from their nature and habits are destructive to other property; all money received by the Agricultural Department of this State for the inspection of oils and fertilizers in excess of what may be necessary to defray the expenses of said Agricultural Department; money arising from the lease of oyster lands; and educational fund now belonging to the State (except the endowment and debt due to the University of Georgia), and such other sums of money as the Legislature shall raise by taxation or otherwise from time to time for educational purposes, are hereby declared to be a common school fund; and when said common school fund shall be received and receipted for, from whatever source received, it shall be the duty of the officer authorized by law to receive such fund to keep the same separate and distinct from the other funds, and said fund shall be used for educational purposes and none other, and shall not be invested in bonds of this State, or in other stock, except when investment is necessary to carry out the conditions of an endowment, devise, gift, or bequest, and when taxes are paid into the treasury of the State the Comptroller-General shall in no case receipt a Tax-Collector for the same until that part of the tax so paid in, which was raised for school purposes, is separated in amount from the gross amounts paid in.

**Relief of forfeiture of school fund—unused balances.**

SEC. 9. That whenever a County Board of Education, or Board of Education of any city, shall hereafter fail in any year to make arrangements to put schools in operation, said

Acts of  
1887, page  
79.

county or city, as the case may be, shall forfeit all right to participation in the school fund of that year, unless the failure to arrange for schools was from Providential cause, or other good and sufficient reason, the sufficiency of the reason to be judged of by the State Board of Education. That in all cases where any of the counties of this State have heretofore or may hereafter leave unused in the State Treasury any part of the public school fund to which they are entitled under the law, such fund shall be kept separate and applied to the use and benefit of the respective counties entitled to the same.

#### Failure to put schools in operation.

SEC. 10. That any county or city, which has failed to put schools in operation in any past year, and has never received its *pro rata* part of the State School Fund for that year, shall still be entitled to receive through the properly constituted authorities of the county or city that *pro rata*; *provided*, that the County School Commissioner of such county shall receive no compensation from the school fund of said county for such year, except for services rendered in taking the enumeration of the school population.

#### Distribution of Public School fund.

SECTION 1. In all cases where any of the counties of this State have heretofore, or may hereafter leave unused in the State Treasury any part of the public school fund to which they are entitled under the law, such fund shall be kept separate and applied to the use and benefit of the respective counties entitled to the same.

SEC. 2. Such unused funds may be used by the respective boards of education of the counties entitled to the same for school purposes in their respective counties, and may be drawn on for such purpose as is now provided by law.

NOTE.—If any public officer of any county in this State shall buy up at a discount, or in any manner speculate in what are known as "county orders" or in "jury scrip," or any other order or scrip which is to be paid out of any public fund of this State or of any county in this State, he shall be punished as for a misdemeanor and shall be removed from office. (Code, Vol. III, Sec. 277.)

Acts of  
1903, page  
65.

Acts of  
1903, page  
79.

Acts of  
1903, page  
65.

*Additional Funds for Public Schools.*

Illegal granting of diplomas by medical colleges--Fine goes to State treasury for educational funds. (§486 Code, Vol. III.)

Selling or offering for sale rejected illuminating oils or fluids--Fine goes to public school fund of county in which prosecution is made. (§607 Code, Vol. III.)

Wrongful use of branded vessels for illuminating oils or fluids--Fine goes to public school fund of county in which prosecution is made. (§608 Code, Vol. III.)

Cruelty to animals--One-half of fine goes to public school fund of county in which prosecution is made. (§704 Code, Vol. III.)

Gaming contracts--Money recovered after six months goes partly to public school fund of county in which suit is entered. (§3671 Code, Vol. II.)

Property not returned but assessed--Overplus above amount due and costs goes to educational fund, subject to claim of true owner within four years. (§908 Code, Vol. I.)

Proceeds of sale of estrays, subject to claim of owner within twelve months. (§1746 Code, Vol I.)

The net amount arising from the hire of convicts of this State, when the Grand Jury of the county directs this fund to be applied to the schools of the county. (Acts of 1903, page 65.)

## PART VI.

## LONG TERM SCHOOLS.

**Supplemental contracts—common school fund admits pupils.**

SECTION 1. That whenever the Board of Education of any county within the State shall have entered into a contract with a teacher to teach a common school in any subdistrict within its jurisdiction in accordance with this Act, it shall be lawful for said teacher to enter into a supplemental contract with the patrons of said school to teach a private elementary school in connection with said common school, and to embrace the period allowed by law for the said public term; *provided*, that the contracting with teachers under the provisions of this Act shall be left to the discretion of the several County Boards of Education.

Acts of  
1887, page  
82.

SEC. 2. That upon said private supplemental contract being examined and approved by the Board of Education of the county in which said school is located, it shall be the duty of said teacher to enter, as pupils in said private schools, all scholars of common school age (regard being had to separate schools as now required by law) who may enter said school at any time within the term or scholastic year of said private school. It shall be the duty of said teacher to keep an accurate account of the number of such pupils and the number of days actually attended by each pupil, and when said private schools shall have closed, said teacher may make out an account against the County Board of Education for the full number of days each of said pupils may have attended said schools, not to exceed the whole number of days now or hereafter to be prescribed by law; *provided*, that nothing in this Act shall be so construed as to prevent any common school scholar from entering said school as pupil, if the parent or guardian of said pupil shall elect to enter him or her for the period of the public term, and upon the merits of the common school fund only. That no teacher shall be contracted with under the provisions of this Act until he or she

Acts of  
1887, page  
82.



has been duly licensed as a common school teacher; that every teacher contracted with under the provisions of this Act shall be required to make the same reports and returns to the County School Commissioners as are now required of teachers of common schools in this State, and until said private schools have been taught according to contract, and said reports and returns are so made, it shall not be lawful for the Board of Education to pay him or her for such services as such teacher.

## PART VII.

## COUNTY INSTITUTES.

Subjects—held by County School Commissioners—prepared by State School Commissioner—special examinations.

SECTION 1. An Act authorizing the State School Commissioner to organize and establish in each county in Georgia a Teachers' County Institute for the assembling and instruction of the common school teachers of each county in the State, said institute to hold an annual session of one week's duration in each county of Georgia in the period of June, July and August, or in such other month as the State School Commissioner may deem best and expedient; *provided, however,* that the State School Commissioner may, in his discretion, combine the annual session of said institutes, or any number of them, so that the same may be held in any county designated by him; to prepare a program of exercises, with a syllabus of each subject named in said program, for each day's session of said institute; to require County School Commissioners to operate at their regular *per diem*, said institute sessions under such general rules and regulations as he may deem best; to require all persons, white and colored, teaching in Georgia, or having licenses entitling them to teach in the State, provided that those not teaching have not permanently retired from teaching; to attend all sessions of said institutes held in the county of their residence, and perform all duties required of them as members of said institutes, unless providentially prevented; to secure a prompt attendance of the teachers upon the exercises of said institutes by causing the County School Commissioners and County Boards of Education to collect such fines from absentees as may be deemed just and reasonable by said Commissioners and Boards; *provided,* that no teacher shall be fined till he or she has stated the cause of his or her absence in writing, to said Commissioners and Boards, and they have duly considered the same; *provided further,* that all money thus collected

Acts of  
1891, page  
121.

Amended  
Acts of  
1892, page  
85.

Amended  
Acts of  
1893, page  
61.

shall be used in purchasing teachers' libraries for the counties in which said fines may be collected; to provide separate institutes for the white and the colored; to pay from the educational fund of each county an amount not to exceed twenty-five dollars per annum for the purpose of securing the services of an expert in conducting the week's session of the institute of said county, which expert shall be chosen by the County School Commissioner and the County Board of Education, which expert shall assist in conducting the exercises of each annual week's session of said institute in the county where he is thus employed; to cause all sessions of said institutes to be held at county seats, or such other places as may be selected by the County School Commissioner, and allow all persons so desiring to attend the sessions of said institutes: *provided*, that all visitors shall be subject to the rules and regulations of said institutes while attending the exercises of the same; and to prescribe from time to time such other rules and regulations as he and the County School Commissioners may deem best for successfully operating said institute.

NOTE.—In place of experts, supervisors provided to have charge of the institute work. See 1911 School Laws, page 102.

## PART VIII.

**EXAMINATION OF APPLICANTS FOR LICENSE TO TEACH.****Grading of papers—licenses—graduates of colleges not exempt from examination.**

SECTION 1. That the County Commissioners shall examine all applicants for licenses to teach in their respective counties, giving previous public notice of the day upon which the examinations are to take place, and said Commissioners shall be allowed to invite such persons as they may think proper to assist in these examinations. Applicants for license to teach in the common schools shall be examined upon orthography, reading, writing, English grammar, geography, arithmetic, and the science and practice of teaching in common schools. No license shall be granted any person to teach in the public schools, receiving money from the State, after the first Monday in January, 1903, who has not passed a satisfactory examination in physiology and hygiene (physiology, which shall include with other hygiene, the nature and effect of alcoholic drinks with other narcotics upon the human system). Said examinations shall be held throughout the State on a day or days to be fixed by the State School Commissioner, and on questions prepared and sent out by him to the County School Commissioners. The State School Commissioner shall also prepare and supply the County School Commissioners with printed instructions as to the grading of applicants on and by a uniform grade, and shall fix the lowest standard for each class of licenses.

No applicant for teacher's license shall be examined on any other day than the one designated as above described, except in cases where the County Board of Education shall order a special examination; no special examination shall be ordered by said Board except for good and sufficient reasons and to meet some special emergency. In such cases the questions shall be prepared by the County School Commis-

Amended  
Acts of  
1890-91,  
page 118.

Acts of  
1901, page  
54.

sioner, or by some competent person under his authority, and their contents shall not be made known to the applicant or applicants until the examination actually commences; said examination shall be conducted under the same rules and regulations as are provided by law for other examinations, but the licenses granted shall be valid only until the next examination ordered by the State School Commissioner, and it shall not be lawful for the County School Commissioner of any county, other than that in which said special examination is held, to endorse a license granted thereunder. The County Board of Education shall have power, if they deem best, to employ teachers at a salary.

SEC 2. It shall be the duty of the County School Commissioners after thorough examination of the papers submitted by applicants for licenses as teachers, upon the examination conducted as prescribed in the preceding Section, to grade the applicants according to the instructions furnished them by the State School Commissioner, submitting his report and recommendations thereon in writing to the County Board of Education, who shall grant to the applicants licenses of the first, second or third grade, to be determined by the qualifications exhibited and the standard attained; *provided*, they shall attain at least the lowest grade-mark fixed by the State School Commissioner for each grade; and *provided further*, that each applicant submits with his or her examination paper satisfactory evidence in writing of good moral character. A license of the first grade shall continue in force for three years, a license of the second grade for two years, and a license for the third grade for one year, which said licenses shall entitle teachers holding them to be employed for and during the period of their licenses in any of the common schools of the county where issued. Licenses, to be good in another county than the one in and for which they are issued, must be endorsed by the County School Commissioner of the county in which the applicant desires to teach.

See Report of Department of Education, 1903, page 66, rule 10 of Rules of Examination.

All students or graduates of any school, college or other institution of learning, shall be required to stand an exami-

Acts of  
1887, page  
76.

nation as now prescribed by the general common school laws of this State before the County School Commissioner of each county in this State in which they desire to teach, and get a license from the County School Commissioner before being permitted to teach in the common or public schools of such county; *provided*, that nothing herein contained shall be construed to invalidate any license to teach in the schools in this State now held by any person.

And all laws and parts of laws authorizing and entitling any student or graduate of any school, college or other institution of learning, to teach in the common or public schools of this State on the certificate or diploma from any school, college or other institution of learning or the officers thereof, be, and the same are, hereby repealed.

See Part XVI, Note 2.

#### Permanent License to teach.

SEC. 3. After passing upon the examination papers as hereinbefore provided, if, in the opinion of the County School Commissioner, any one or more of them exhibit unusual merit, he shall forward such papers to the State School Commissioner, together with his certificate of the good, moral and professional character of the applicant, and if, in the opinion of the State School Commissioner, said paper exhibit a sufficient degree of merit, he shall issue a permanent teacher's license to the applicant, which license shall be good in any county of this State, and which shall only be revocable by the State School Commissioner for good and sufficient cause.

#### Revoking of Licenses—appeal—forgery in License a felony.

SEC. 4. That the County Commissioner shall have power, and it shall be his duty, to revoke licenses granted by him, or his predecessors, for incompetency, immorality, cruelty to pupils, or neglect of his duties, and the revocation of the license of any teacher shall terminate the connection of said teacher with any school which he may have been employed to teach; but any teacher so dismissed shall have the right to appeal to the County Board of Education, whose decision shall be final.

See Part xiv, Note 7.

Acts of  
1899, page  
51.

Acts of  
1887, page  
76.

Whoever, with intent to defraud the State or any county, town or city, or any person, shall falsely and fraudulently make, forge, alter or counterfeit, or cause to procure to be falsely and fraudulently made, forged, altered or counterfeited, or willingly aid or assist in falsely and fraudulently making, forging, altering or counterfeiting any certificate or license issued by any County School Commissioner of this State, or the executive officer of any local school board to a teacher, shall be deemed guilty of a felony, and upon conviction therefor, shall be punished as prescribed by Section 233 of the Penal Code.

Acts of  
1900, page  
69.

## PART IX.

SCHOOL CENSUS.**Time for taking census.**

Acts of  
1887, page  
81.

SECTION 1. That it shall be the duty of the County and City Boards of Education of this State to cause an enumeration of the children between six and eighteen years of age to be made under instructions from the State School Commissioner, in the year 1888, and every ten years thereafter, as hereinafter prescribed. In the year 1893, and every ten years thereafter, it shall be the duty of the State Board of Education, in the early part of the year, to have an estimate made from the last census taken by the authorities of the United States, of the number of children of school age in each county of the State, and in each town and city under a local school law, and if, from the evidence thus obtained, or from other evidence of any kind, the said Board shall become satisfied that a new enumeration of the school population ought to be taken for any county or counties, or for any town or city, or the entire State, it shall be their duty to order the said enumeration to be taken accordingly.

**Enumerators: Duties, compensation, oath—County School Commissioner as enumerator.**

Acts of  
1887, page  
81.

SEC. 2. The different County or City Boards shall employ one or more competent, reliable persons to take the enumeration above mentioned, in their respective jurisdictions, and the persons so employed shall go from house to house, making a thorough canvass of the territory assigned them, taking the number of children between the ages of six and eighteen years, and distinguishing between the sexes and races. The persons thus employed shall be known as enumerators of the school census, and shall take and report any additional statistics required by the State School Commissioner. They shall receive as compensator a *per diem* not to exceed two dollars in the counties, or two dollars in the cities, or in the



city and county where the same are under local laws, to be paid out of the school fund of the jurisdiction in which the work is done. They shall moreover, be required to make oath that the work done by them has been carefully and faithfully done according to the true intent and meaning of this Act, the form of oath to be prescribed by the State School Commissioner; *provided*, that nothing herein contained shall be construed to prevent the County Boards from employing the County School Commissioners to do the work contemplated in this Section.

#### **New enumeration.**

SEC. 3. The State Board of Education is hereby empowered to order at once a new enumeration when they are in doubt as to the accuracy of the return made from any county or city; but the enumerators first making their return shall receive no compensation in case it is found their enumeration was not correct. In case their enumeration is verified by the second enumeration, then both shall be paid, but the amount paid them shall be deducted from the school fund appropriated to this speical territory.

Acts of  
1887, page  
82.

#### **Fixing compensation of enumerators.**

SEC. 4. The respective County or City Boards are hereby empowered to fix, within the limits prescribed above, the *per diem* compensation of the enumerators of the school census employed by them.

Acts of  
1887, page  
82.

NOTE.—Clauses and special laws authorizing annual school census are in conflict with this general law.

## PART X.

## MISCELLANEOUS.

## County line schools.

SECTION 1. That admission to all common schools of this State be gratuitous to all children between the ages of six and eighteen years residing in the subdistricts in which the schools are located; *provided*, that colored and white children shall not attend the same school; and no teacher receiving or teaching white and colored pupils in the same school shall be allowed any compensation at all out of the common school fund. In special cases, to meet the obvious demand of convenience, children residing in one subdistrict may, by express permission of the County Board, attend the common school of another subdistrict and when a common school is located near a county line, children from an adjoining county shall be permitted to attend the school; *provided*, such children reside nearer such school or said school is more accessible to the residences of such children than any public school in the county of their residence. And in such cases, the teacher shall make out two accounts for his services, one against each County Board, in amount proportional to the number of children in the school from the respective counties.

NOTE.—A small incidental fee is a reasonable charge against all pupils who are able to pay the same. This fee should be applied only to current incidental expenses; keeping the house in order, providing crayon, fuel, etc. In a few schools of this State whose patrons are indifferent the teachers have had to meet the current incidental expenses. Every good school building should be under the constant care of a janitor, and patrons should make due provision for the equipment and care of the school building.

NOTE 2.—Teachers of county line schools should report to each county the number of pupils and the amount of salary received from the other county. County Boards through the County School Commissioner of each county should pay salaries of teachers according to contract direct to teachers of county line schools.

**Manual Labor Schools.**

SEC. 2. That the County Board of Education shall have power to organize in each county one or more manual labor schools on such a plan as shall be self-sustaining; *provided*, that the plan be first submitted to and approved by the State Board of Education.

Acts of  
1887, page  
78.

**Evening schools.**

SEC. 3. That the Board of Education of any county shall have the power to establish, at such places as they may deem proper, within the limits of their jurisdiction, a suitable number of evening schools for the instruction of such youths over twelve years of age as are prevented by their daily avocations from attending day schools, subject to such regulations, not inconsistent with the provisions of this Act and the instructions issued under it by the State School Commissioner, as said Board, from time to time, may adopt for the government thereof.

Acts of  
1887, page  
78.

**Exemption of school property from taxation.**

SEC. 4. That each and every lot or parcel of land which has been or may be hereafter obtained by purchase, or in any other way, by any County Board of Education for the use of common schools, together with any school building that may have been or shall be erected thereon, and all school furniture shall be exempt from all taxes, State and county, and from levy and sale under any execution or other writ of order in the nature of an execution; *provided*, that the lot of land so exempted shall not exceed four acres, and if there be any excess over that number of acres, then that portion not to exceed four acres, most convenient for school purposes, shall be exempt as aforesaid, the exempted portion to be set off by order of the County Board.

Acts of  
1887, page  
78.

**Scholastic month defined.**

SEC. 5. That from and after the passage of this Act, twenty school days shall constitute and be deemed and treated as a scholastic month in all the public schools of this State.

Acts of  
1896, page  
82.

**Local school systems.**

Acts of  
1887, page  
83.

SEC. 6. That nothing in this Act shall be so construed as to prevent any city with a population greater than two thousand inhabitants, or any county or town under authority of the General Assembly of this State, from organizing a public school system independent of this system, or to prevent the said independent organization from drawing its *pro rata* share of all educational funds raised by the State; *provided*, the chief executive officer of such independent organization shall make the same regular reports to the State School Commissioner as are required from the County Commissioners by this Act; *provided further*, that nothing contained in this Act shall be construed to annul or repeal any local law now of force in any city or county in this State providing for the organization and maintenance of the common or public schools in such city or county.

**Arbor Day.**

Acts of  
1890-91,  
page 219.

SEC. 7. The first Friday in December in each year shall be set apart and consecrated as a day for tree-planting, and shall be known throughout the State as "Arbor Day," that it shall be the duty of the State School Commissioner to take the matter of the observance of "Arbor Day," by the public, under his general supervision, and through the County School Commissioners to cause the public schools of the State to observe "Arbor Day," as the superintendents and teachers may think best, in order to show the pupils the value and beauty of forestry by practical tree-planting on school, church, and other public lots, lawns, as well as on public highways.

**Physiology and Hygiene to be taught in public schools.**

Acts of  
1901, page  
54.

SEC. 8. The nature of alcoholic drinks and narcotics, and special instruction as to their effects upon the human system in connection with the several divisions of the subject of physiology and hygiene, shall be included in the branches of study taught in common or public schools in the State of Georgia, and shall be studied and taught as thoroughly and in the same manner as other like required branches are in said schools.

SEC. 9. It shall be the duty of county and city superintendents of schools receiving aid from the State to report to the State School Commissioner any failures or neglect on the part of the Boards of Education to make provision for instruction of all pupils in any or all the schools under their jurisdiction, in physiology and hygiene (physiology, which shall include with other hygiene the nature and effects of alcoholic drinks and other narcotics upon the human system), and the Board of Education of each county of this State shall adopt proper rules to carry the provisions of this law into effect.

**Agriculture and Civil Government to be taught in the common schools.**

SEC. 11. The elementary principles of agriculture and the elements of civil government be included in the branches of study taught in the common or public schools in the State of Georgia, and shall be studied and taught as thoroughly and in the same manner as other like required branches are studied in said schools.

Acts of  
1903, page  
64.

SEC. 12. It shall be the duty of the county commissioners of all schools receiving aid from the State to report to the State School Commissioner any failures or neglect on the part of their respective boards of education to make provisions for instruction of all pupils in any and all of the schools under their jurisdiction in said branches, and the board of education of each county of this State shall adopt proper rules to carry the provisions of this law into effect.

See Part XVI, Note 7.

**Georgia Day.**

The twelfth day of February in each year shall be observed in the public schools of this State, under the name of "Georgia Day," as the anniversary of the landing of the first colonists in Georgia under Oglethorpe; and it shall be the duty of the State School Commissioner, annually to cause the teachers of the schools under their supervision to conduct on that day exercises in which the pupils shall take part, consisting of written compositions, readings, recitations, ad-

Acts of  
1909, page  
190.

dresses, or other exercises, relating to this State and its history to the lives of distinguished Georgians. When said day falls on Sunday, it shall be observed on the following Monday.

### Law for Binding out Children.

SEC. 13. That all minors may, by whichever parent has the legal control of them, be bound out as apprentices to any respectable person, until they attain the age of twenty-one, or for a shorter period.

### Schools in new counties—Special Provisions.

SEC. 14. The grand jury in each new county shall at the first session elect a county board of education, as now provided by law, and that said county board of education shall immediately organize, and the said county board of education is hereby vested with all the powers and rights that are given by law to the county board of education in existing counties: that until the organization of the county board of education, the school in such new county shall remain under the control of the boards of education of the counties from which the territory to form said new county was taken, but immediately upon the organization of the county board of education in said new county such control shall cease and pass to the board of education of the new county, which shall be entitled to manage and control the schools within the new county as now provided by law.

*Provided,* That in every instance when a new county has been or hereafter may be created out of the territory of any one or more of the counties organized prior to December 1, 1903, and such old counties shall at the time of the approval of this Act have on hand either in the Treasury of this State or elsewhere any funds subject to the provisions of the Act hereby amended; then such funds shall be equitably apportioned between such new county and the old counties whose territory went to the formation of the new county, the basis of apportionment between the new county and the old counties affected to be the school population of said counties as the same may appear from the record in the

Acts of  
1865, page  
68.

Acts of  
1905, page  
51.

office of the State School Commissioner, or as may be agreed upon by the authorities of counties affected.

SEC. 2. Be it further enacted by the authority aforesaid, That it is hereby made the duty of said State School Commissioner to apportion said funds and to cause the same to be paid over upon lawful demand to the respective counties entitled thereto.

SEC. 3. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

### Isolation and Quarantine in infectious diseases (Extracts from Rules and Regulations of State Board of Health).

Section 18. No parent or householder shall permit infected persons (or persons exposed to infection), clothing, bedding, furniture, school-books, library-books, or other articles likely to convey infection to be removed from the house until properly disinfected, under the supervision of the local board of health or its proper officer, or where no board exists, by the attending physician, in the manner recommended by the State Board of Health.

Section 19. The isolation of patients and duration of quarantine in infectious diseases shall be as follows:

**DIPHTHERIA OR MEMBRANOUS CROUP:** For the Patient: Isolation for twenty-one (21) days from persons and domestic animals, and disinfection of premises. For persons associated with or in the house with the patient: Adults: Quarantine until after death or recovery of the patient and disinfection of premises. Children: Quarantine for seven (7) days after disinfection of premises. Domestic pets, particularly cats, are frequent carriers of this infection. That the use of antitoxine lessens the mortality, but does not attenuate the virus, so that the same length of quarantine should be enforced whether antitoxins are or are not used.

**SCARLET FEVER (Scarletina, Scarlet Rash, Roseola):** Isolation of patient and quarantine of children associated with, or in the house with the patient, for ten (10) days after complete desquamation or scaling of patient and disinfection of premises.

**SMALLPOX:** For the patient: Isolation until after all crusts or scales have fallen off, and the disinfection of patient's body and the premises. For exposed persons: Quarantine for sixteen (16) days from date of last exposure.

**CHOLERA:** For the patient: Isolation until after complete recovery and disinfection of the premises. For exposed persons: Quarantine for five days (5) days from date of last exposure.

**YELLOW FEVER:** Isolation in screened room (protected fire-place) until after complete recovery and disinfection of premises.

**TYPHUS FEVER:** For the patient: Isolation until after complete recovery and disinfection of the premises. For exposed persons: Quarantine for twenty-one (21) days from date of last exposure.

**Days to be observed by appropriate exercises.**

January 1—New Year's Day.

January 19—Lee's Birthday.

February 12—Georgia Day.

February 22—Washington's Birthday.

April 26—Memorial Day.

June 3—Davis' Birthday.

July 4—Independence Day.

September, First Monday—Labor Day.

November, Last Thursday—Thanksgiving Day.

December, First Friday—Arbor Day.

December 25—Christmas Day.



## PART XI.

## UNIFORM TEXT-BOOK LAW.

**School-Book Commission.**

SECTION 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That the State Board of Education, consisting of the Governor, Secretary of State, Comptroller-General, Attorney General and State School Commissioner, be, and are, hereby made the School-book Commission of the State of Georgia. The members of the said School-book Commission shall serve without compensation; the Governor shall be President and the State School Commissioner shall be the executive officer of said School-book Commission. Before transacting any business relating to the duties of this Commission, they shall each take an oath before some person authorized to administer same, to faithfully discharge all the duties imposed upon them as members of the said School-book Commission, and that they have no interest, direct or indirect, in any contract that may be made under this Act, and will receive no personal benefit therefrom.

Acts of  
1903, page  
53.

**Uniform series of text-books.**

SEC. 2. Be it also enacted by the authority aforesaid, That from and after the first day of January, 1904, or such date thereafter, not more than sixty days, as shall be deemed necessary and practicable by the School-book Commission to allow to the contractors to furnish to the schools of the State the books included in the contracts made by such Commission with such contractors, a uniform series of text-books, shall be used in all the common schools of this State, to be adopted in the manner and for the time hereinafter provided, which uniform series of books shall be in use in all the common schools of this State, and shall include the following elements of an English education only, to wit: Orthography, reading, writing, arithmetic, geography, English language lessons, English

grammar, history of Georgia, containing the Constitution of the State of Georgia, history of the United States, containing the Constitution of the United States, physiology and hygiene, the elementary principles of agriculture and civil government, and such other branches of study in addition to the above-mentioned as may be from time to time provided for by statute, and not conflicting with the Constitution of this State, *provided*, that none of said text-books so adopted shall contain any thing of a partisan or sectarian character; *and provided*, that no county, city or town that levies a local tax for the purpose of maintaining a system of graded schools which local tax, together with the State fund, is sufficient to maintain said system of graded schools, for as long a period as eight months in each year, shall be included in the provisions of this Act: but if the duly constituted authorities in charge of any local system in this State should desire to use any of the books selected by said School-book Commission, the said local system shall have the privilege of buying said books at the same price and on the same terms at which they are furnished to the common schools of the State.

#### Sub-commission.

SEC. 3. Be it further enacted by the authority aforesaid, That it shall be the duty of the said School-book Commission to elect a sub-commission of five, to be selected from among the teachers of the State who are actively engaged in school work, either as normal school teachers, common school teachers, graded school teachers, county school commissioners or city superintendents, *provided*, that no more than one of the members of said sub-commission shall be taken from one congressional district. Sample copies of all books sent to the said School-book Commission as specimen copies upon which bids are to be based shall be referred to the sub-commission for examination, and said sub-commission shall examine and report upon the merits and demerits of the books irrespective of prices, taking into consideration the subject-matter of the books, their printing, their material and mechanical qualities and their general suitability and desirability for the purpose for which they are desired and intended. It shall further

be the duty of each member of said sub-commission to make an individual report to the said School-book Commission at such time as said Commission shall direct, arranging each book in its class, and reporting them in the order of their merit, pointing out the merits and demerits of each book, and indicating what books he recommends for adoption first, what book is his second choice, and what his third choice, and so on, pursuing this plan with the books submitted upon each branch of study; and if any member of said sub-commission shall consider different books upon the same subject or of the same class or division of approximately equal merit, all things being considered, he shall so report, and if he thinks that any of the books offered are of such character as to make them inferior and not worthy of adoption, he shall, in his report, designate such books, and in said report each member of said sub-commission shall make such recommendation and suggestions to the said School-book Commission as he shall deem advisable and proper to make. Said individual reports of the different members of the sub-commission shall be kept secret and sealed and shall be delivered to the Secretary of State, and said report shall not be opened until the said School-book Commission shall meet in executive session to open and consider the bids or proposals of publishers and others desiring to have books adopted by said commission. Each member of said sub-commission, before entering upon the duties of said sub-commission, shall take and prescribe an oath to act honestly, conscientiously and faithfully, and that he is not directly or indirectly in any manner interested in any of the proposed contracts, nor in any book or publishing concern of any kind or character, and that he will examine all books submitted carefully and faithfully, and make true reports thereon, as herein directed and prescribed; said oath shall be filed in the office of the Secretary of State. Said School-book Commission shall hear and consider said reports of the members of the sub-commission in its selection and adoption of the uniform series of text-books, and shall also themselves consider the merits of the books, taking into consideration the subject-matter, the printing, binding and material and mechanical qualities and their general suitability

and desirability for the purposes intended, and the price of said books; and they shall give due consideration and great weight to the reports and recommendations of the sub-commission; *provided*, that no text-book, the subject-matter of which is of inferior quality, shall be adopted by the said School-book Commission. Said School-book Commission shall select and adopt such books as will, in their best judgment, accomplish the ends desired. When the said School-book Commission shall have finished with the reports of said sub-commission, the individual reports of the members of said sub-commission shall be filed and preserved in the office of the State School Commissioner, and shall be open at all times for public inspection.

#### **Bids.**

SEC.. 4. Be it further enacted, That the said School-book Commission shall meet in the office of the State Commissioner not later than September 1, 1903, and advertise in such manner and form as they may deem best, that, at a time to be fixed by said commission to be named in the advertisement, and not to be later than November 1, 1903, said School-book Commission will receive at the office of the State School Commissioner, in the city of Atlanta, sealed bids or proposals from the publishers of school-books for furnishing books to the public common schools of the State of Georgia through agencies established by said publishers in the several counties and places in counties in the State, as may be provided for in such regulations as said School-book Commission may adopt and prescribe. The bids or proposals shall be for furnishing the books specified for a period of five years, and no longer. Said bids or proposals shall state specifically and clearly the retail price at which each book will be furnished, and also the exchange price for the introduction of such books. Each bid or proposal shall be accompanied by specimen copies of each and all books to be furnished in said bid; and it shall be required that each bidder shall deposit with the Treasurer of the State of Georgia a sum of money such as the said School-book Commission may require, of not less than five-hundred dollars, and not more than twenty-

five hundred dollars, according to the number of books each bidder may propose to supply, and such deposit shall be forfeited absolutely to the State if the bidder shall fail or refuse to make and execute such contract or bond as is hereinafter required within such time as the said School-book Commission may require, which time shall not be later than January 1, 1904, and shall also be stated in said advertisement. All bids shall be sealed and deposited with the Secretary of State, to be by him delivered to the said School-book Commission when they are in executive session for the purpose of considering the same, when they shall be opened in the presence of said School-book Commission; *provided*, that the School-book Commission shall have authority, upon the acceptance of any bid and the execution of any contract to furnish school-books under the provisions of this Act, to allow such time, after January 1, 1904, as may be deemed by said Commission reasonable and necessary (not more than sixty days), to the contractor making such bid or contract, within which to furnish to all the schools of this State coming under the provisions of this Act, with all the books contracted to be furnished.

#### **Adoption—contracts—forfeitures and recoveries on Bonds.**

SEC. 5. Be it further enacted by the authority aforesaid, That it shall be the duty of said School-book Commission to meet at the time and place noted in said advertisement and take out the specimen copies submitted and upon which bids are based, and refer and submit them to the sub-commission as provided for and directed in Section 3 of this Act, with instruction to the said sub-commission to report to them at a specified time with their reports, classifications and recommendations as provided in Section 3. When the said reports are submitted it shall be the duty of the said School-book Commission to open and examine all sealed proposals submitted and received in pursuance of the notice provided in Section 4 of this Act. It shall then be the duty of said School-book Commission to examine and consider carefully all such bids or proposals, together with the reports and recommendations of the members of the sub-commission, and deter-

mine, in the manner provided in Section 3 of this Act, what book or books upon the branches herein above mentioned, or that hereafter may be added by said School-book Commission, or may be hereinafter provided for in this Act, shall be selected and adopted, taking into consideration the size, quality as to subject-matter, material, printing, binding, and the mechanical execution and price and the general suitability for the purposes desired and intended. And after such adoption shall have been made, the said School-book Commission shall, by registered mail, notify the publishers or proposers to whom contracts have been awarded, and it shall then be the duty of the Attorney-General of the State to prepare the said contract or contracts in accordance with the terms and provisions of this Act, and the said contract shall be executed by the Governor and attested by the Secretary of State with the seal of the State attached upon the part of the State of Georgia, and the said contract shall be executed in triplicate, one copy to be kept by the contractor, one copy by the School-book Commission, and copied in full upon the minute-book of the commission, and one copy to be filed in the office of the Secretary of State. At the time of the execution of the contract aforesaid, the contractor shall enter into a bond in the full sum of not less than one thousand dollars nor more than twenty thousand dollars, payable to the State of Georgia, the amount of said bond within said limits to be fixed by said School-book Commission, conditioned upon the faithful, honest and exact performance of said contracts, and shall further provide for the payment of reasonable attorney's fees in case of recovery on any suit upon the same, with three or more good and solvent sureties, actual citizens and residents of the State of Georgia, or any guarantee company authorized to do business in the State of Georgia may become the surety on the said bond; and it shall be the duty of the Attorney-General to prepare and approve said bond; *provided, however,* that said bond shall not be executed in a single recovery, but may be sued upon from time to time, until the full amount thereof shall be recovered; and the said School-book Commission, may, at any time, by giving thirty days' notice, require additional security or additional bond within the

limits prescribed. And when any persons, firm or corporation shall have been awarded a contract and submitted therewith the bond as required hereunder, the said School-book Commission through its secretary, shall so inform the Treasurer of the State, and it shall then be the duty of the Treasurer of the State to return to such contractor the cash deposit made by him; and the said School-book Commission, through its secretary, shall inform the Treasurer of the State of the names of the unsuccessful bidders or proposers, and the Treasurer of the State shall, upon receipt of this notice, return to the unsuccessful bidders or proposers the amount deposited in cash by the unsuccessful bidders or proposers at the time of the submission of their bids. But should any person or persons, firm, company or corporation fail or refuse to execute the contract and submit therewith his bond as required by this Act within thirty days of the awarding of the contract to him and the mailing of the registered letter containing the notice (and it is hereby provided that the mailing of the registered letter shall be sufficient evidence that the notice was given and received), the said cash deposit shall be deemed and declared forfeited to the State of Georgia, and it shall be the duty of the Treasurer to place said cash deposit in the treasury of the State to the credit of the school fund; and *provided, further*, that any recovery had on any bond given by any contractor shall inure to benefit of the school fund of the State, and when collected shall be placed in the treasury to the credit of the school fund and be prorated among the several counties of the State.

**Standard of books—prices—exchange price.**

SEC. 6. Be it further enacted by the authority aforesaid, That the books furnished under any contract shall be equal in all respects to the specimen or sample copies furnished with the bids; and it shall be the duty of the Secretary of State to preserve in his office, as the standards of quality and excellence to be maintained in such books during the continuance of such contract, the specimen or sample copies of all books which have been the basis of any contract, together with the original bid or proposal. It shall be the duty of all

contractors to print plainly on the back of each book the contract price as well as the exchange price at which it is agreed to be furnished, but the books submitted as sample or specimen copies with the original bids shall not have the price printed on them before they are submitted to the sub-commission. And the said School-book Commission shall not in any case contract with any person, publisher or publishers for the use of any book or books which are to be or shall be sold to patrons for use in any public school in this State at a price above or in excess of the price at which such book or books are furnished by said person, publisher or publishers under contract to any State, county or school district in the United States under like conditions prevailing in that State and in this Act; and it shall be stipulated in each contract that the contractor is not now furnishing, under contract, any State, county or school district in the United States where like conditions prevail as are prevailing in this State and under this Act, the same book or books as are embraced in said contract at a price lower or less than the prices stipulated in the said contract; and that in case said contractors shall hereafter, during the term of said contract, contract to furnish, or furnish, to any State, county or school district such book or books at a lower price than that named in the contract, such lower price shall become the price of such book or books under the contract entered into with the said School-book Commission. And the said School-book Commission is hereby authorized and directed at any time they find that any book or books are being sold at a lower price, under contract, to any State, county or school district aforesaid, to sue upon the bond of said contractor and recover the difference between the contract price and the lower price at which they find the books are being sold. And in case any contractor shall fail to execute specifically the terms and provisions of his contract, said School-book Commission is hereby authorized, empowered and directed to bring suit and all damages, the suit to be in the name of the State of Georgia and the recovery for the benefit of the public school fund. But nothing in this Act shall be construed so as to prevent said School-book Commission, and any other con-



tractor agreeing thereto, from in any manner changing or altering any contract, provided four members of the State School-book Commission shall agree to the change and think it advisable and for the best interest of the public schools of the State. In all other matters a majority of said School-book Commission shall control.

SEC. 7. Be it further enacted by the authority aforesaid, That it shall be always a part of the terms and conditions of any contract made in pursuance of this Act, the State of Georgia shall not be liable to any contractor, in any manner, for any sum whatever; but all such contractors shall receive their pay or consideration in compensation solely and exclusively derived from the proceeds of the sale of books, as provided for in this Act; *provided further*, that the said School-book Commission shall stipulate in the contract for the supplying of any book or books, as herein provided, that the contractor or contractors shall take up the school-books now in use in this State and receive the same in exchange for new books at a price not less than fifty per cent. of the contract price; but the exchange period shall not extend beyond the limit of one year from time of the expiration of contracts existing in counties in which such said change shall be required under this Act. And each person or publisher making any bid for the supplying of any books hereunder shall state in such bid or proposal the exchange price at which such book or books shall be furnished.

**Bids may be rejected.**

SEC. 8. Be it further enacted by the authority aforesaid, That the said School-book Commission shall have and reserve the right to reject any and all bids or proposals if said commission be of the opinion that any or all bids should, for any reason, be rejected; and in case they fail from among the bids or proposals submitted to select any book or books upon any of the branches of study herein provided for in this Act, they may re-advertise for sealed bids or proposals under same terms and conditions as before, and proceed in their investigation in all respects as they did in the first instance and as required by the terms and provisions of this Act.

**Proclamation by the Governor.**

SEC. 9. Be it further enacted by the authority aforesaid, That as soon as said Commission shall have entered into a contract or contracts for the furnishing or supplying of books for use in the public schools of this State, it shall be the duty of the Governor to issue his proclamation announcing such fact to the people of the State.

**Depositories.**

SEC. 10. Be it further enacted by the authority aforesaid, That the party or parties with whom the contract or contracts shall be made shall establish and maintain in some city in this State a depository where a stock of their books sufficient to supply all the immediate demands shall be kept. They shall also establish and maintain not less than one nor more than three agencies in every county in the State as the State School-book Commission shall deem advisable and demand, for distribution of the books to the patrons; but the contractor shall also be permitted to make arrangements with merchants or others for the handling and distribution of the books. Any party not living conveniently near an agency or county depository may order any books desired from the central depository direct, and it shall be the duty of the contractor to deliver any book or books so ordered to the person so ordering to his postoffice address, freight, express, postage or other charges prepaid, at the retail contract price; *provided*, that the price of the book or books so ordered shall be paid in advance. All books shall be sold to the consumer at the retail contract prices, and on the cover of each book shall be printed the following: "The price printed hereon is fixed by a State contract, and any deviation therefrom shall be reported to your County School Commissioner or to the State School Commissioner at Atlanta"; and it is expressly provided that should any party contracting to furnish books as provided for in this Act fail to furnish them, or otherwise breach his contract, in addition to the right of the State to sue on the bond herein above required, the County Board of Education may sue in the name of the State of Georgia in any court having jurisdiction and

recover on the bond of the contractor the full value of the books so failed to be furnished, for the use and benefit of the school fund of the county; *provided*, that the right of action given to the County Board of Education shall be limited to breaches of the contract committed in that county.

### **Powers of Commission.**

SEC. 11. Be it further enacted by the authority aforesaid, That the said School-book Commission may from time to time make any necessary regulations not contrary to the provisions of this Act, to secure the prompt distribution of the books herein provided for and the prompt and faithful execution of all contracts; and it is expressly now provided that said commission shall maintain its organization during the five years of the continuance of the contract, and after the expiration of the same to renew such of them as they deem advisable, or re-advertise for new bids or proposals as required by this Act in the first instance, and enter into such other contracts as they may deem for the best interest of the patrons of the public schools of the State; *provided*, that any contract entered into or renewed shall be for the term of five years.

### **Notice by State School Commissioner.**

SEC. 12. Be it further enacted by the authority aforesaid, That as soon as practicable after the adoption provided for in this Act, the State School Commissioner shall issue a circular letter to each county commissioner and city superintendent in the State, and to such others as he may desire to send it, which letter shall contain the list of books adopted, the prices, location of agencies, method of distribution, and such other information as he may deem necessary.

### **Books adopted to be used to exclusion of others—Supplementary readers.**

SEC. 13. Be it further enacted by the authority aforesaid, That the books adopted under the provisions of this Act shall be used to the exclusion of all others on the same subject in all the public common schools of the State; *provided*, that supplementary readers may be used in any of the common

schools of the State, but even supplementary readers shall not be used until after the regular readers prescribed have been completed, and in no case shall supplementary readers be used to the exclusion of the regular readers adopted under this Act.

SEC. 14. Be it further enacted by the authority aforesaid, That any person or persons violating the preceding Section of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars.

#### **Penalties for violation of law.**

SEC. 15. Be it further enacted by the authority aforesaid, That if any county school commissioner fails or refuses to enforce the provisions of this Act, said county shall receive no part of the public school fund of the State of Georgia until the provisions of this Act have been complied with. Any teacher of a public common school in this State violating the provisions of this Act shall not receive any salary so long as he or she shall fail to carry out the provisions of this Act. Any teacher who shall use or permit to be used in his or her school any text-book upon the branches embraced in this Act, where the commission has adopted a book upon that branch, other than the one so adopted (except it be supplementary readers, as provided in Section 13) shall be guilty of a misdemeanor and shall be punished as provided in Section 14 of this Act.

SEC. 16. Be it further enacted by the authority aforesaid, That if any local agent, dealer, clerk or other person handling or selling the books adopted under this Act shall demand or receive for any copy of any of the books herein provided for, more than the contract price in cases where the purchase is for cash, he shall be guilty of a misdemeanor, and upon conviction shall for each offense be punished by a fine not less than fifty nor more than two hundred dollars.

#### **Appropriation for expenses of adoption.**

SEC. 17. Be it further enacted by the authority aforesaid, That the sum of one thousand dollars, or so much thereof as

may be necessary, to be paid out of the public school fund, be, and is, hereby appropriated for the purpose of paying the cost and expense of carrying into effect the provisions of this Act.

**Per diem and expenses of members of sub-commission.**

SEC. 18. Be it further enacted by the authority aforesaid, That said School-book Commission shall serve without compensation, and the members of the sub-commission of five shall be paid a per diem of four dollars per day during the time they are actually engaged, not to exceed thirty days, and in addition shall be repaid all money actually expended by them in the payment of necessary expenses, to be paid out of the public school fund, and they shall make out and swear to an itemized statement of such expenses.

**Terms of contract.**

SEC. 19. Be it further enacted by the authority aforesaid, That the adoptions made under the provisions of this Act shall continue for five years from the first day of January, 1904, and any adoption of books made after this time shall terminate with all other adoptions on the first day of January, 1904, and that all contracts for school books made by county boards of education now existing and extending beyond the first of January, 1904, shall not be affected by this Act, but no new contracts shall be made after the passage of this Act by any county board of education, or by the board of education of any city or town in this State, except the boards of education in Georgia having under their control a system of graded schools in part supported by local taxation and maintained for at least eight months in each year.

**Repealing clause.**

SEC. 20. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved August 13, 1903.

## LOCAL TAX DISTRICT SCHOOLS AND LOCAL TAX BY COUNTIES.

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(AMENDED AUGUST 22, 1907.)

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### County Boards to lay off school districts.

SECTION 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That within thirty days after the passage of this Act, or as soon thereafter as practicable, it shall be the duty of the County Board of Education of each county in Georgia to lay off the county into school districts, the lines of which shall be clearly and positively defined by boundaries such as creeks, public roads, land lots, district lines or county lines. The school district thus marked out shall contain an area of not less than sixteen square miles, and, when practicable, shall be so shaped as to have the school building as near the center as possible, and no territory shall be included whose occupants reside further than three miles from the school house without written petition of two-thirds of the qualified voters therein; *provided*, that the Board of Education may have the right to establish districts with areas less than sixteen square miles where there are natural causes or local conditions that make it necessary to do so. The natural causes which will permit the creation of smaller districts are mountains, streams over which there are no bridges, and dangerous roads. Local conditions which will permit the creation of small districts must be determined by the Board of Education.

In counties having incorporated towns, now levying a local tax for educational purposes, and operating a public school system under their own charter or special Act of the Legislature, the County Board of Education, with the consent of the municipal authorities, may create a school district larger than the incorporated limits of the town by adding adjacent territory not already included in the incorporate limits, and the district thus marked out shall become a school district

upon the vote of the people as hereinafter provided, but such school district, including incorporated towns having a population of four thousand or more, shall be and remain under the exclusive supervision and direction of the school boards of the previously chartered schools in said class of incorporated towns and not under supervision of the County Board of Education; and the school boards of such chartered schools in incorporated towns shall be trustees of said school district under this Act; *provided further*, that if there be located in such district a chartered school controlled by a board of stockholders or by board of directors elected by them, the management and control of said chartered school shall remain in them, and they shall have all the rights and privileges of this Act to collect local taxes as hereinafter provided in this Act, and to receive the share of the State public school fund. A map of the county thus laid off, plainly outlining the boundaries of the school district with full description thereof, shall be filed with the Ordinary within forty days after the passage of this Act, or as soon thereafter as practicable, and the boundaries of said school districts shall not be altered any oftener than once a year. The County Board of Education in laying off the county shall disregard any school districts embracing territory not included in incorporated towns heretofore created by special Act of the Legislature. The failure on the part of any board of education to perform the duties required by this Act, shall be immediately inquired into by the first grand jury sitting after such neglect of duty, and if said grand jury shall find that any member or members of said board have failed to perform their duty it shall report the same to the judge of the superior court, who shall cause a rule *nisi* to issue against such member or members, and they shall be heard by the judge in their own behalf; if the said member or members can not give a good and sufficient reason why they have not performed their duties as required by this Act, they shall be discharged, and the said judge shall fill the vacancies until the next grand jury shall meet.

**Election of Trustees.**

SEC. 2. Be it further enacted, That within ninety days after the Board of Education has laid off the county as required in Section 1, the said Board of Education shall order the citizens of the several school districts to hold an election for the purpose of electing three trustees for each district in the county. Said election shall be held at a time and place, and in a manner prescribed by the County Board of Education. The said trustees shall be intelligent citizens of good moral character who are known to be earnest supporters of public education, and they shall serve one for three years, one for two years, and one for one year, as the County Board of Education may determine. In districts containing incorporated towns there may be five trustees, one of whom shall be elected for one year, two for two years, and two for three years. The notice of their election shall be filed by the election managers with the County School Commissioner, who shall submit the same to the County Board of Education for their approval. After the said local board of trustees have been approved and properly commissioned by the County Board of Education, it shall meet immediately and organize by electing one of its members president, and one secretary and treasurer. If the County Board of Education should consider any member or members unqualified for the work, they shall refuse to confirm the election of such member or members and require the citizens of a district at a time and place, and in a manner prescribed by the County Board of Education, to elect others. At the expiration of the term of office of the members thus elected the citizens of a district shall meet at a time and place, and in a manner prescribed by the County Board of Education, and elect their successors, who must be approved by the County Board of Education as hereinbefore provided, and the election shall be for a term of three years. If any member should refuse to act, or should be guilty of any conduct unbecoming the dignity of a school trustee, the County Board of Education shall have the right, upon a written complaint of a majority of the voters of the district, to remove said member and have his successor elected as hereinbefore provided. But no



trustee shall be removed from office without sufficient proof, and he shall be served with a copy of such complaint at least ten days prior to the day set for the hearing, when such trustee shall be afforded an opportunity to be heard in his defense.

**County elections how ordered—who shall vote—limit to rate of taxation.**

SEC. 3. Be it further enacted, That whenever the citizens of any county wish to supplement the public school fund received from the State by levying a tax upon the property of the county, it shall be the duty of the Ordinary to order an election, not earlier than twenty days, nor later than sixty days, after receiving a petition of one-fourth of the qualified voters of the county; and notice of the same shall be published in at least three weekly issues of the county newspaper in which legal advertisements of the county are published. Said elections shall be held as ordinary county elections are held. Those favoring the levying of the local tax shall vote for "Local tax for public schools"; those opposed shall vote "Against local tax for public schools." The returns of said election shall be made to the Ordinary of the county, who shall declare the results, and two-thirds of those voting shall be necessary to carry said election for local taxation for public schools. An election for the same purpose shall not be held oftener than every twelve months. No person shall be allowed to vote in said election except those regularly qualified to vote in State and county elections. If the election is carried for local taxation, the Ordinary or Board of County Commissioners, whichever levies the county tax, shall levy a local tax as recommended by the county Board of Education upon all the property of the county, not to exceed one-half of one per cent., and the same shall be collected by the county tax collector and paid by him to the County Board of Education. The county tax collector shall keep the funds thus collected separate and distinct from all county and State funds, and he shall receive a commission of two and one-half per cent. for collecting the same. *Provided*, That if there be an incorporated town in a county

holding an election as provided in this Section now operating a public school system, it shall not be included in the election without consent of the municipal authorities, but if the municipal authorities should so wish, they may abolish their system by a special Act, of the Legislature and avail themselves of the provisions of this bill.

See amendments to this Section approved August 14, 1909. Page 70.

#### Levy and collection of district tax.

SEC. 4. Be it further enacted, That whenever the citizens of any school district wish to supplement the funds received from the State public school fund by levying a tax for educational purposes, they shall present a petition from one-fourth of the qualified voters of the district to the Ordinary, who shall order the election not earlier than twenty days, nor later than sixty days, after the petition is received; *provided*, that notice of same shall be posted in at least three conspicuous places in the district ten days prior to the election. The election shall be held at a time and place prescribed by the proper authorities, and under rules governing ordinary elections. Those favoring local taxation for public schools shall vote "For local taxation for public schools"; those opposed shall vote "Against local taxation for public schools." The returns of said election shall be made to the Ordinary of the county, who shall declare the results, and two-thirds of those voting shall be necessary to carry the election for local taxation for public schools. No person shall vote in said election except the regularly qualified voters residing in the district six months prior to the election. An election for the same purpose shall not be held oftener than every twelve months.

#### Tax returns in local-tax districts.

SEC. 5. Be it further enacted. That in those districts which levy a local tax for educational purposes, the board of trustees shall make all rules and regulations to govern the schools of the districts, and build and equip schoolhouses under the approval of the County Board of Education. They

shall have the right to fix the rate of tuition for non-resident pupils, and to fix the salaries of the teachers. They shall receive from the County Board of Education the share of public school funds apportioned to the district by the County Board of Education. They shall determine the amount necessary to be raised by local tax on all the property of the district. The Secretary of the Board of Trustees of said district, with the aid of the County School Commissioner of said county, shall ascertain from the tax returns made to the tax receiver and from the returns made to the Comptroller-General, the total value of all of the property in said district subject to taxation for county purposes, and a regular digest of all such property in said school district, shall be made by said secretary in a book furnished by the Board of Trustees and kept for that purpose. At or before the time of fixing the rate of taxation for said county, the secretary of each local Board of Trustees, with the aid of the County School Commissioner, shall levy such rate on the property thus found as will raise the total amount to be collected; *provided*, that such rate shall not exceed one-half of one per cent. The County School Commissioner of each county, at or before the time for fixing the rate of said county by the Ordinary thereof, or the County Board of Commissioners, as the case may be, shall certify to the said Ordinary, or said Board of Commissioners, as the case may be, and to the Comptroller-General of the State the rate of taxation fixed for each school district in the county, and said taxing authority of said county shall levy such special tax at the same time and in the same manner as is now prescribed for levying taxes for county purposes.

A copy of the special tax digest of said local tax district shall be furnished by the secretary of the local board of trustees to the tax collector of the county, and it shall be his duty to compute and collect said taxes, keeping the same separate by school districts from the county and State funds, and turn same over to the secretary of such local school districts, as well as tax received for said district from railroads and other corporations that make their returns to the Comptroller-General, taking the receipt for the same upon

order from the County School Commissioner; and said tax-collector shall receive as compensation therefor two and one-half per cent. of the amount collected.

In any case in which it is impossible to determine from tax returns made to the tax receiver of the country the value of the property of any citizen situated in any school district and subject to taxation in said district, the secretary of the Board of Trustees shall issue a summons to said taxpayer requiring him to make returns within five days to said secretary of his property situated in said district and subject to taxation for school purposes. Should said return be unsatisfactory to said secretary, he shall reject the same and submit said returns to arbitration as is now provided by law for such cases when returns are rejected by tax receivers.

All property, both real and personal, including franchises belonging to railroads, telegraph and telephone companies, and to all other corporations which are now required to make their returns to the comptroller-General of this State, which is in the taxable limit of any school district shall be, and the same is, hereby made subject to taxation by said school districts as fully and completely as is the property of other corporations within such taxable limits.

It is hereby made the duty of every such corporation in this State, in addition to the facts now required to be shown in their returns to the Comptroller-General to also show in said returns the value of such corporation's property in each of said school districts through which it runs. And for the purpose of enabling such corporation to show in said returns the value of its property in such school districts, it is hereby made the duty of the County Superintendent of Schools of each county to furnish on or before January 1, 1907, to each such corporation, information as to the boundaries of each school district in which such corporation may have property, such as will enable such corporation to determine the amount of its property in such district, and he shall also furnish similar information whenever the boundaries of any school district may be changed.

The rolling-stock, franchises and other personal property of said corporations shall be distributed to said school dis-

tricts on the same basis that rolling-stock, franchises and other personal property are distributed to counties and municipalities under the law; that is, as the value of the property located in the particular district is to the whole located property, real and personal of said corporation, such shall be the amount of rolling-stock, franchises, and other personal property to be distributed for taxing purposes to each school district.

All of the other provisions of the Act of October 16, 1889, entitled "An Act to provide a system of taxation of railroad property in each of the counties of the State through which said railroad runs, and to provide a mode of assessing and collecting the same, and for other purposes," in so far as they can be applied are hereby made applicable to the assessment and collection of taxes of all such companies and corporations which are now required by law to make their returns to the Comptroller-General, by and for school districts in this State upon the property and franchises of such companies located in such school districts and upon the rolling-stock, franchises and other personal property distributed under the provisions of this Act.

#### **Secretary and Treasurer of Board of Trustees—statements and reports.**

SEC. 6. Be it further enacted, That the board of trustees may have the right to pay the secretary and treasurer a commission on the amount of local tax collected not to exceed two and one-half per cent., but there shall be no commission allowed on the amount received from the State. They shall furnish quarterly to the County Board of Education a statement showing all receipts, disbursements, and cash on hand. They shall also furnish statement showing school population, enrollment, average attendance, course of study and other data the County Board of Education may require whenever called upon to do so.

#### **General school laws to be observed.**

SEC. 7. Be it further enacted, That while it is the purpose and spirit of this Act to encourage individual action and local self-help upon the part of the school districts, it is expressly

understood that the general school laws of this State as administered by the County Board of Education shall be observed.

SEC. 8. Be it further enacted, That all elections held under the provisions of this Act shall be governed as to registration and qualification of voters as the general law governing special elections provides.

SEC. 9. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved August 21, 1906.

Amendments approved August 22, 1907.

**Provisions for voting out the local tax.**

SECTION 1. Be it enacted by the General Assembly of Georgia, That the above recited Act be amended by adding a Section appropriately numbered, to-wit: "An election for repealing the local tax law provided for in this Act when same has been established for over three years shall be called as in first instance. And if abolished by vote under similar regulations as in first instance, no new election for re-creating same shall be called within one year. If not abolished by vote, no election for the same purpose shall be called within one year.

SEC. 2. Be it further enacted, That all conflicting laws are hereby repealed.

Approved August 14, 1909.

## PART XIII.

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CHILD LABOR LAW, AND STATE REFORMATORY.

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**No child under ten years old to work in a factory.**

SECTION 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That from and after the approval of this Act, no child under ten years of age shall be employed or allowed to labor in or about any factory or manufacturing establishment within this State under any circumstances.

**Certificate of Ordinary for any child under twelve.**

SEC. 2. Be it further enacted by the authority aforesaid, That on and after January 1st, 1907, no child under twelve years of age shall be so employed or allowed to labor, unless such a child be an orphan, and has no other means of support, or unless a widowed mother or an aged old disabled father is dependent upon the labor of such child, in which event, before putting such child at such labor, such father shall produce and file in the office of such factory or manufacturing establishment, a certificate from the Ordinary of the county in which such factory or establishment is located, certifying under his seal of office to the facts required to be shown as herein prescribed; *provided*, that no Ordinary shall issue any such certificate except upon strict proof in writing and under oath, clearly showing the necessary facts; and providing further, that no such certificate shall be granted for longer than one year, nor accepted by any employer after one year from the date of such certificate.

**No child under fourteen to work at night.**

SEC. 3. Be it further enacted by the authority aforesaid, That on and after January 1, 1908, no child under fourteen years of age shall be employed or allowed to labor in or about any factory or manufacturing establishment within this State between the hours of seven P. M. and six A. M.

**Children under fourteen must attend school twelve weeks each year.**

SEC. 4. Be it further enacted by the authority aforesaid, That on and after January 1st, 1908, no child, except as heretofore provided, under fourteen years of age, shall be employed or allowed to labor in or about any factory or manufacturing establishment within this State unless he or she can write his or her name and simple sentences, and shall have attended school for twelve weeks of the preceding year, six weeks of which school attendance shall be consecutive; and no such child as aforesaid, between the ages of fourteen and eighteen years, shall be so employed unless such child shall have attended school for twelve weeks of the preceding year, six weeks of which school attendance shall be consecutive; and at the end of each year, until such child shall have passed the public school age, an affidavit certifying to such attendance as is required by this Section, shall be furnished to the employer by the parent or guardian or person sustaining parental relation to such child. The provisions of this Section shall apply only to children entering such employment at the age of fourteen years or less.

**Unlawful to employ children before affidavit is filed.**

SEC. 5. Be it further enacted by the authority aforesaid, That it shall be unlawful for any owner, superintendent, agent or any other person acting for or in behalf of any factory or manufacturing establishment to hire or employ any child unless there is first provided and placed on file in the office of such employer an affidavit signed by the parent, guardian or person standing in parental relation thereto, certifying to the age and date of birth of such child, and other facts required in this Act. Any person knowingly furnishing a false affidavit as to the age, or as to any other facts required in this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished as prescribed in Section 1039 of the Penale Code of Georgia of 1895.

**Inspection by Grand Jury.**

SEC. 6. Be it further enacted by the authority aforesaid,



That the affidavit and certificates required in this Act shall be open to inspection by the Grand Juries of any county where such factory or manufacturing establishments are located.

**Penalty for Violation of this Act.**

SEC. 7. Be it further enacted by the authority aforesaid That any person or agent, or representative of any firm or corporation who shall violate any provision of this Act shall be deemed guilty of a misdemeanor, and on conviction shall be punished as prescribed in Section 1039 of the Penal Code of Georgia of 1895. Any parent, guardian or other person standing in parental relation to a child, who shall hire or place for employment or labor in or about any factory or manufacturing establishment within this State, a child in violation of any provision of this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished as prescribed in Section 1039 of the Penal Code of Georgia, 1895.

SEC. 8. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved August 1st, 1906.

PART XIV.

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EXTRACTS FROM DECISIONS AND INSTRUCTIONS OF STATE SCHOOL COMMISSIONERS.

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**Note 1. Resignation should be tendered to Governor.**

When a member of a Board, or a County School Commissioner desires to resign, he should tender his resignation to the Governor, and not to the Board or Grand Jury.

—G. J. Orr, *Instructions March, 1876.*

**Note 2. Requisites of certificates of election.**

The certificate of the election of members of the County Board must have the following requisites:

1. It must be officially signed by the Clerk of the Superior Court, and must be under his seal of office.
2. It must give the names of the members of the Board chosen, and must state whom they succeeded.
3. It must state how the latter vacated their offices.
4. It must state the term of court at which the action was taken.

When a vacancy is filled by the Judge of the Superior Court, the above rules will apply to the certificates then given, except, where, from the nature of the case, they are inapplicable.

—G. J. Orr, *Instructions March, 1876.*

**Note 3. The Bible in the public schools.**

The Bible can not be excluded from the public schools of the State.

The proviso interdicting the exclusion of the Bible from the public schools is the law in places where local school laws are in operation as well as elsewhere.

—G. J. Orr, *Instructions April, 1878.*

**Note 4. Disturbing schools.**

Persons who wilfully interrupt or disturb any public school, private school or Sunday-school are guilty of a misdemeanor, and, on conviction, are punishable as provided in Section 4310 of the Code of 1873.

(*See Code Vol. III. Sec. 427.*)

—G. J. Orr, *Instructions 1882.*

**Note 5. Pupil going from one district school to another.**

The proper rule is that a pupil can go from one public school to another only by consent of the Board, or County School Commissioner, for a good and sufficient cause, the Board of Commissioner being the judge.

—J. S. Hook, *Instructions January 10, 1888.*

**Note 6. Original jurisdiction in revoking teacher's license.**

"Original jurisdiction in the revoking of a teacher's license rests with the County School Commissioner. Appeals on such action of the County School Commissioner come only before the County Board of Education."

—S. D. Bradwell, *1895.*

**Note 7. Final choice of teachers and power to make contracts is with county board.**

"The law does not compel County Boards of Education to confirm the choice of local trustees in selecting teachers even when such teachers are regularly and legally appointed. The final choice of teachers, and the power to make contracts with teachers are vested, under the law, wholly in the County Board of Education."

—G. R. Glenn, *November 13, 1899.*

**Note 8. Teacher's contract is an entire contract.**

"The appeal states that after teaching seventy-seven and one-half days, the said teacher resigned the said school, to accept another position, but his resignation was not accepted by the County Board; that previous to his resignation he had received payment for fifty-eight days; that he had taught nineteen and one-half days, for which he had received no

pay; that the County Board of Education refused to pay for teaching the nineteen and one-half days because the contract is considered by said Board as an entire contract, and it was not fulfilled.

"In this case, the Board of Education, under the circumstances, would not abuse the discretion given it by law, if claims to said teacher were approved and paid, but in refusing to pay the said claim for teaching nineteen and one-half days, the Board has not violated the law of contracts. This contract is in the nature of an entire contract.

—*W. B. Merritt, April 7, 1904.*

**Note 9. Plan for operating schools for five or more consecutive months.**

Generally it is more satisfactory to have the schools taught during consecutive months of the fall, winter and spring. Some counties have for one year operated their schools for three months in the spring, during November and December the school term of that year was completed; beginning in January, a session of three or four months of the next year immediately followed. This plan has given good results in attendance and in the progress of pupils. A very great benefit has come to schools of these counties from the fact that this arrangement enables County Boards to pay teachers with very little delay. It is much easier to secure teachers if they are assured that they will be paid promptly, and that they will not be compelled to have their salaries discounted. I ask the careful consideration of your Board to this plan, which is working so satisfactorily in many counties.

The months in which the schools may be taught during the school year, or calendar year, may be selected by the County Boards of Education, as they think best, but it will not be lawful for a County Board of Education to approve for payment out of the funds appropriated for one year any teaching that was done during any days except those included in the calendar year for which appropriations have been made. To illustrate: the contracts with teachers for the school year of 1905, and the claims of teachers based upon this contract, should be in consideration of teaching that is done only during the

school year of 1905.—*W. B. Merritt, Circular Letter, August 17, 1904.*

**The Right of the County Board of Education to apportion State School Funds.**

The question presented is whether or not the County Board of Education has the right to apportion the State School Funds as in its judgment may appear just and wise, or whether the Board is compelled to make this distribution on a strict per capita basis to the various districts after deducting administrative expenses. The law is silent upon this point. It is specific in requiring the distribution of the State School Funds to the various counties and independent or town systems upon the per capita basis according to the children of school age. The very silence of the law with regard to school districts under the general authority of the County Board of Education, in my opinion, is proof that the Legislature did not intend to force the apportionment as in the cases mentioned where it is specific. The exact wording, "They (the Trustees) shall receive from the County Board of Education the share of the public school fund apportioned to the district by the County Board of Education," indicates that the right of apportionment is left to the County Board, it being understood, of course, that the funds shall be distributed upon an equitable and fair basis. It sometimes happens that a certain school by reasons of various circumstances may require less money for maintenance than another. The qualification of the teacher, the grade of license, and various other considerations may properly affect the amount of money which the Board of Education may deem wise to apportion to any particular school.

In my opinion, therefore, the County Board of Education has the right to apportion public school funds, and while this Board should be guided in the distribution of the State Funds by the general per capita basis of the State, less the administrative expenses, this body may fix the apportionment for any school or district as the circumstances may require and as may be for the best interests of the district and county as a whole.

—*M. L. Brittain, April 26, 1911.*

## PART XV.

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EXTRACTS FROM DECISIONS OF STATE BOARD  
OF EDUCATION

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**Note 1. Commissions to board members when grand jury fails to give terms.**

"When the action of the Grand Jury fails to indicate the terms for which two or more members of Boards of Education are chosen and there are terms of different lengths to be filled, the member or members first named by the Grand Jury shall be commissioned for the longest term or terms."

*November 30, 1888.*

**Note 2. When County School Commissioner may contract with teachers of local school system.**

"A County School Commissioner has no right to enter into a contract with the teachers of a local school system.

"The Act creating said local school system does not specifically state that pupils residing outside the city limits may be permitted to attend the schools of such local school system and receive the benefits of the State school funds. It must therefore, follow that pupils residing without the limits of the said city and attending the schools of the said local system can not legally be allowed to participate in the State school funds for such attendance. This rule must apply to all local school systems except where the Act creating them expressly provides that pupils residing outside the city limits may be permitted to attend the schools of the local system and receive the benefits of the State school fund."—*March 8, 1894.*

**Note 3. Use of surplus in hands of County School Commissioner.**

"*Resolved*, That the State School Commissioneer is authorized to require County Boards of Education to use the surplus of schools funds remaining in the hands of the County

School Commissioner in payment of the accounts set out in itemized statements rendered."

*April 12, 1894.*

(This surplus is reported in "Certificate as to Balance on hand and Balance due" in itemized Statement.)

**Note 4. Common school subjects required.**

"Where a pupil studies five common school subjects, including arithmetic, grammar and history, and shall have passed an examination satisfactory to the County Board of Education upon the other common school subjects, that pupil shall be counted as a common school pupil. At the same time the following of the graded course of study for the common schools is urged."

*March 29, 1905.*

**Note 5. A change of district lines makes a new district.**

In confirming an opinion rendered by the State School Commissioner *in re*: the appeal of J. W. Brooks et al. vs. the Carroll County Board of Education to the effect that Boards of Education have the right to change the lines of a district at any time after the expiration of one year from the time of their establishment, the State Board of Education added the following:

"The State Board of Education is also of the opinion that when the board of education of a county changes the district line, a new district is thus created and the question of a local tax should be resubmitted to the voters of the district, if the local tax is desired."

*March 10, 1910.*

## PART XVI.

EXTRACTS FROM OFFICIAL OPINIONS OF  
ATTORNEYS-GENERAL.**Note 1. County Board may repudiate contract made by fraud.**

I would say that a Board of Education can certainly repudiate a contract made by fraud. A contract so obtained is not binding.—*Extract from letter of Attorney-General Wm. A. Little, May 14, 1892.*

**Note 2. Diploma of State Normal School valid in certain cases.**

May 9, 1902.

*Hon. G. R. Glenn, State School Commissioner, Atlanta, Ga.*

MY DEAR SIR:—I am in receipt of the letter addressed to you by Mr. D. O. Phillips, asking if his diploma, given by the Georgia State Normal School, was still valid as a license to teach in the schools of this State, he having received the same in 1907.

In my opinion the diploma in question is valid as such a license and dispenses with the necessity of an examination as now prescribed by the general common school laws of the State. The Act of 1899, pages 51 and 52, repealing the law making such diploma equal to a license expressly provides:

“That nothing herein contained shall be construed to invalidate any license to teach in the schools of this State now held by any person.”

See Acts of 1899, pages 51 and 52.

Very truly yours,

BOYKIN WRIGHT,

Attorney-General.

**Note 3. Limit of time in using school fund.**

“The appropriation which the State makes yearly is, in a sense, a contribution by the people of the State to assist



in the education of the children thereof, and a limitation of time and age is placed on each beneficiary. I recognize that it is the policy of the law-makers to clothe the several Boards of Education in this State with almost supreme power in the administration of the public school fund and to lodge with the Board such discretion is wise, but I am persuaded that for a Board to exercise the discretion to the extent of using money appropriated one year for another, would run counter to the legislative scheme and would be an abuse of discretion."

—*Extract from letter of Attorney-General John C. Hart, .. July 1, 1903.*

**Note 4. School population basis for apportionment of school funds to local school systems.**

I therefore advise, irrespective of any directions to the contrary in the Act creating the local school systems, that you adopt the rule of apportionment between the local system and the county, using as a basis "the proportion which the school population of the local system bears to the school population in the county." To illustrate, where the State has set apart \$2,000 to a county as its pro rata part of the public school fund, and the county has in it school population of 2,000 people, and within the county is a local system having a school population of 500, the pro rata of money in that case due to the local system is the proportion which 500 bears to 2,000.

—*Extract from letter of Attorney-General John C. Hart, August 26, 1903.*

**Note 5. Marriage does not incapacitate women to teach in public schools of Georgia.**

"I do not think that the Board of Education is justified in laying down the arbitrary rule that marriage incapacitates a woman to teach school."

"A rule, therefore, adopted by a Board of Education, which fixes the penalty of ineligibility to teach as a consequence of marriage, is arbitrary, unjust and unreasonable. The Board may not have transcended the strict letter of the law in adopting the rule in question, but it occurs to me it is

violative of 'public policy.' All women, whether married or single, should be given equal opportunities in the pursuit of wealth and happiness."

—*Extract from letter of Attorney-General John C. Hart, January 15, 1904.*

**Note 6. Agriculture to be taught in all common or public schools of the State.**

"The Act requires that the elementary principles of agriculture shall be taught as thoroughly and in the same manner as other like required branches are studied and taught in the schools." \* \* \*

"It is my opinion that the Act referred to clearly requires that the elementary principles of agriculture shall be taught in all the common or public schools in the State of Georgia, whether under your supervision or not, where the same receive aid from the State."

—*Extract from letter of Attorney-General John C. Hart, August 17, 1904.*

**Note 7. Relief of surety on county school commissioner's bond.**

The application of the surety desiring to be relieved on the County School Commissioner's bond should be addressed to the Governor, stating the reasons why he should be relieved and should be sworn to. If the Governor deems the reasons for the relief of the surety sufficient he may order the surety relieved upon the condition that the principal re-executes a valid bond satisfactory to the County Board of Education.

—*Extract from letter of Attorney-General John C. Hart, September 14, 1905.*

**Note 8. School officials can not discount claims of teachers.**

"In reply to your inquiry this day submitted, viz., whether a county school commissioner or members of the Boards of Education of this State may buy up at a discount, or in any manner speculate, in what are known as county orders or "scrip," or contracts which are to be paid out of the public funds of this State; I beg leave to say I think such officers

are public officers in the sense that it is made a misdemeanor for them to purchase such order, scrip or contract, as provided by Section 277 of the Penal Code."

—*Extract from letter of Attorney-General John C. Hart, November, 1905.*

**Note 9. Opinion of Attorney-General on Railroad Taxes in school districts.**

*"Hon. William A. Wright, Comptroller-General, Atlanta, Ga.*

"DEAR SIR: I am in receipt of your enquiry of even date wherein you raise the question whether corporations that have made returns for their property for taxation to your office may be required, under the Act approved August 21, 1906, known as 'An Act to provide for the creation of local tax district schools,' to incorporate in their return such of their property as may be within the boundaries of local school districts.

"The purposes of this amendment is to cure a defect in the Act approved August 23, 1905, relative to the taxation of railroad property, which Act was declared by our Supreme Court in the case of *Brown et al. v. the Southern Railway Company*, as unconstitutional, in that it was antagonistic to Article 7, Section 1, paragraph 1 of the Constitution, for the reason that the *ad valorem* tax there imposed was upon the property only of taxpayers who were required by law to make return of their property to the county tax receiver, and omitted to tax the property of another class of taxpayers, such as railroads, who are required to make returns to the Comptroller-General. (See *Brown et al. v. Southern Railway Company*, March term, 1906.)

"The object of the amendment under investigation was to cure this defect and make specifically subject to taxation all property lying within the boundaries of the school district and to provide machinery for the collection of the tax. The following language is found in Section 5 of this amendment, as follows: "It is hereby made the duty of every such corporation in this State, in addition to the facts now required to be shown in their returns to the Comptroller-General, to also show in said returns the value of such corporation's property

in each of said school districts through which it runs, and for the purpose of enabling such corporation to show in said returns the value of its property in such school districts, it is hereby made the duty of the county superintendent of schools in each county to furnish, on or before January 1, 1907, to each of such corporations, information as to the boundaries of each school district in which such corporation may have property, such as will enable such corporation to determine the amount of its property in such district, and he shall also furnish similar information whenever the boundaries of any school district may be changed.'

"This language leaves no room for construction. The Act was passed and approved August 21, 1906, after the date required by law for the return of railroad property. In the absence of explicit language, a tax imposed is never to be retrospective in its application. The courts always construe statutes as prospective and not retrospective, unless constrained to the contrary course by the rigor of the phraseology. (First Cooley on Taxation, 494-495.) There is no language in this Act which would admit of the construction that the Legislature intended that it should apply where returns had already been made, but on the contrary, there is this express provision, that this detailed information was to be given 'on or before January 1, 1907.' It was, of course, impossible for the railroads to have anticipated the action of the Legislature in making their returns, and having made their returns in conformity with existing laws, and you, as Comptroller-General having accepted those returns, yourself not being able to anticipate the action of the Legislature, and the returns having been thus made and thus accepted as satisfactory to you, the transaction is closed. The law, however, by its terms, applies to future returns and not to past returns. It is prospective and not retrospective. It is the settled policy of the Legislature to pass its tax Acts at least a year preceding the year for which the tax was collectable. This has been the uniform practice and there is nothing in this Act which would authorize a departure from this practice, but on the contrary, an express provision that the mode

of procedure was to become operative 'on or before January 1, 1907.'

"I am therefore of the opinion the late amendment providing for the collection of taxes out of corporations who make their returns to your office for taxation, so far as 'district school' taxes go, is not operative until January, 1907, but where counties as such have adopted local taxation for public schools, the law is as to such counties now operative, and such corporations are liable to the present year for the tax by virtue of the original Act independently of the late amendment; the original Act and the general law of force affording all the necessary machinery for the assessment, levy and collection of the tax.

"Yours very truly,

"JOHN C. HART, Attorney-General."

September, 1906.

**Note 10. Managers of local tax elections to be paid out of school fund for that district.**

"I am not advised of any law in express terms authorizing the payment of managers for holding elections by county boards of education. The law provides for holding the elections. It is hardly conceivable that managers should hold elections without compensation. I have advised that when an election is held for local taxation that it would be proper under the general powers conferred upon boards of education to advance the cause of education to provide for the payment of managers of a local election out of the funds apportioned to that district. Unless the power which I have referred to is not sufficiently broad to authorize the payment of managers, then, as stated, I know of no other source from which they could be paid.

"I think therefore that it is proper for the managers to be paid out of the funds apportioned to that district holding the election."

—*Extract from a letter of Attorney-General Hart, June, 1908.*

**Note 11. Persons over eighteen years of age allowed in schools upon payment of tuition.**

"Under the law, as I interpret it, the right to attend the

common schools of this State without the payment of tuition is restricted to boys and girls between the ages of six and eighteen, but I do not understand that the schools are closed to persons over eighteen who are willing to pay tuition. I read nothing in the law which denies to persons who have attained the age of eighteen from attending the common schools, and do not understand that it is the policy of the law to render ineligible to the common schools of this State persons of that age. The policy of the law is to encourage people to attend school, and while it forbids the charge for tuition for persons between the ages of six and eighteen, it has not closed the school-house door to persons over that age who are willing to pay reasonable tuition."

—*Extract from a letter of Attorney-General Hart, July, 1908.*

**Note 12. Elections for local tax by counties or by districts can not be repeated oftener than every twelve months, but a district election may be held sooner when the county election failed.**

"The McMichael Act by Section 3 thereof providing for an election at the instance of the county for the purpose of supplementing the public school fund by levying a tax upon the property of the county provides 'an election for the same purpose shall not be held oftener than twelve months.' That is to say if the county voting as such fails to adopt county taxation that no election should be held for that purpose until after the expiration of twelve months. The McMichael Act by Section 4, providing for a local tax, that is to say a district tax, to supplement the funds received from the State for educational purposes, provides 'an election for the same purpose shall not be held oftener than every twelve months.' That is to say, if the district votes against the adoption of a local tax no other election can be held by it as a district until the expiration of twelve months.

"There is, however, in the Act no inhibition where a county as such votes for local tax and fails that a district within the county may not vote thereon within twelve months. The policy as expressed in the McMichael Act is to advance the cause of education by providing for taxation either by county

or by district and the Act should be construed in the light of its clearly defined purpose. I am therefore of the opinion that notwithstanding a county having voted against county taxation that a district desiring to vote thereon need not wait twelve months before submitting the question of a local tax to the voters of the local district."

—*Extract from a letter of Attorney-General Hart, September, 1908.*

**Note 13. Boundary of local tax district may be changed by Board of Education after the tax has been voted, but to do so destroys the existing local tax.**

"I am in receipt of your letter of the 11th inst., containing a request that I answer officially the inquiry: 'May the Board of Education of a county change the boundary of a local school district by enlarging the local tax district so as to make subject to the local tax the territory added without the citizens thereof voting for the tax?'

"I do not think the Board of Education has the authority to do this. Unquestionably the Board of Education may change the boundary of school districts, either for the purpose of enlarging or decreasing the territory, but when this is done the question of local tax for school purposes must be resubmitted to the citizens of the district.

"The purpose of the McMichael Act, under which these districts are laid out is to allow counties or local districts to advance the cause of education by the levy of a county or local tax to supplement the money received from the State in aid of public schools. The right to levy this additional tax is left to the citizens of the county or district to be settled by vote. In other words the burden of additional taxation to support the schools is left to the people of the locality who are to bear the tax. The Act must be construed in the light of its purpose and the machinery provided for its accomplishment. The Act authorizes a county as such to vote, a municipality or a rural community to adopt its provisions, but only by a vote of the people. In no other way could a local tax be imposed. This is obliged to be the law, or else, if it be conceded that new territory could be added to a

district which voted for a local tax, then it would be possible for a single district in a county which had voted for the local tax, to absorb a county by merely enlarging the boundary of a local school district. The local tax could thus be imposed, not by vote of the people, but merely by the Board of Education changing the district line.

"Again, if the Board of Education may change the line by enlarging the territory, under the same principle they could by changing the line decrease the territory and thus put the burden of taxation upon a limited few.

"Again, if the Board of Education is authorized to change the boundary of a local district so as to add to it new territory where a local tax does not prevail, it may likewise change the district so as to add territory from a local district to one not levying a tax and thus defeat the wish of the people to bear a tax for this purpose.

"The position of the voter at the time he votes is, with the lines as thus laid out, he is in favor of a local tax and so votes; and, therefore, for a Board of Education to change the line thereafter, either by enlarging or diminishing the territory, should not bind the voter because different conditions would prevail by reason of any change than those existing at the time of his ballot. This would not be local option—a tax self-imposed by the voter—but might become a tax in spite of this objection. This would be neither within the letter nor the spirit of the McMichael Act.

"I am of the opinion, therefore, that where a district has voted for a local tax, the Board of Education of a county has no authority to materially change the boundary and continue the tax without first submitting the question to the people in the old and the new territory to be effected by such change."

—*Extract from a letter of Attorney-General Hart, January 12, 1909. See also decision of State Board of Education, in appeal from Carroll County, Note 5, page 96.*

**Note 14.** Persons may not hold but one county office at one time but may hold two public offices.

"Replying to your letter requesting my opinion whether



a judge of a city court may also at the same time be a member of the county board of education, I beg to advise :

"He would be eligible. The Section of the Code 224, Vol. I, inhibits a person holding at one time more than one county office, but there is no express provision of law inhibiting the holding of two public offices at one time, assuming that the duties are not incompatible. It does not occur to me that there could possibly be any conflict in discharging the duties of the two offices."

—*Extract from opinion of Attorney-General Hart, March 16, 1910.*

### **Election Expenses.**

Under the Act of the General Assembly approved December 17th, 1896 (Acts 1896, p. 40) the expenses of an election held in a county to determine whether there shall be local taxation for the support of public schools, as provided for under the McMichael Act, should be paid by the county and should not be taken from the common school fund of such county.

*Attorney-General H. A. Hall, January 4, 1911.*

## PART XVII.

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EXTRACTS FROM DECISIONS OF SUPREME COURT.

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**Note 1. Bequest for board of education includes clothes.**

A child, to be educated, has to be clothed. And it is a general principle that a grant of the end is a grant of the means. According then to this principle, the bequest of an education to the children was a bequest to them of their clothes during the period of their education. (Georgia Report, Vol. 28, page 370.)

**Note 2. Dismissal by local trustees for cruel treatment of pupils.**

Where, in 1876, local trustees chosen by the teacher and his patrons (conformably to the system established by the County Board of Education) dismissed the teacher for cruel treatment of pupils, and thereupon the matter was brought by the teacher before the Board, who, after hearing evidence on both sides, approved the action of the trustees, and passed an order not revoking his license, but suspending him indefinitely as a teacher at that particular place; the decision of the Board was upon a matter of "local controversy in reference to the construction or administration of the school law," and not being appealed from, was binding upon all parties.

For teaching done in defiance of such decision, and pending a possession of the school-house acquired by force, no right whatever accrued to compensation out of the common school fund. (Georgia Report, Vol. 61, page 413.)

**Note 3. County school commissioner may be compelled by mandamus to audit a claim.**

If this teacher was wrongfully treated by the Commissioner in the refusal to audit his account so as to give the Board of

Education jurisdiction, his remedy was by mandamus to compel this ministerial officer to do his duty, if it was his duty, to audit it. (Georgia Report, Vol. 67, page 481.)

**Note 4. Power to build school houses.**

Unless there is something in the charter of a municipal corporation which forbids the building of school-houses, the city may do so. This is within the scope of the general powers of the municipal corporation, and is not prohibited by the Constitution of 1877. (Georgia Report, Vol. 73, page 686.)

**Note 5. Right of certain public officers to make defense.**

"That a public officer who has under the law a fixed term of office, and who is removable only for definite and specific cases can not be removed without notice and a hearing on the charge or charges preferred against him, with an opportunity to make defense." (Georgia Report, Vol. 103, page 458.)

**Note 6. Methods of procedure when two persons claim same office.**

The Supreme Court has decided that whenever two persons are claiming the same office as member of the County Board of Education, and both persons hold commissions, "Such commissions would not be conclusive, but only *prima facie* evidence of their right to hold office. The officers sought to be removed \* \* \* \* could compel those presenting the new commissions to institute proper proceedings to test their legal right to the office. Moreover, the writ of injunction does not in such cases, lie against an executive officer of the State." (Georgia Report, Vol. 103, page 462.)

**Note 7. Discretion in continuing or discontinuing schools.**

The County Board of Education of Richmond county has the discretionary power, under the law, of establishing or discontinuing high schools at such points in the county as the interest and convenience of the people may require.

Under the facts of this case, there was no abuse of such discretion by the County Board in discontinuing the high

school established for the colored race, although it left in operation a similar school for white females and contributed to the support of the high school for white boys and girls, which, however, it had not established. (Georgia Report, Vol. 103, page 641.)

**Note 8. Refusal to comply with regulations.**

The authorities of a public school have full power to make it a part of the school course to write compositions, and enter into debates, and to prescribe that all pupils shall participate therein.

Whether a particular subject given by such authorities for composition or debate is suited to the age and advancement of the pupil, is a question for determination by such authorities, and not by the courts.

Where a pupil has been instructed to prepare a paper on such a subject does not do so, or reads a paper prepared by her father, and containing expressions which are improper and disrespectful to the teacher, the offense is two-fold; and although the school authorities may excuse and condone the preparation by the father of the paper actually read, and also its reading by the pupil, the latter may still be punished for her failure to herself prepare in compliance with instructions. If the punishment imposed be the preparation of a paper on the same subject, at a later date, and the pupil refuse to prepare it, such pupil may be disciplined by expulsion, or suspension, or other proper punishment. (Georgia Report, Vol III, page 801.)

PART XVIII.

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1910 SCHOOL LEGISLATION.

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TO ENABLE COUNTY BOARDS OF EDUCATION TO  
BORROW MONEY.

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SECTION 1. Be it enacted by the General Assembly of Georgia and it is hereby enacted by the authority of the same, That from and after the passage of this Act, the County Boards of Education of the several counties of this State shall have the power and authority whenever they deem it necessary, to borrow a sufficient amount of money, and no more, to pay the salaries of the teachers in the public schools of their counties; *provided, however*, That no Board of Education shall have the right to borrow money to pay the salaries of the public school teachers of said county, for any time except the current school year in which it is so borrowed. *Provided*, That no Board of Education shall have authority under this Act to borrow a sum of money greater in the aggregate than the sum to which the county may be entitled from the public school fund.

SEC. 2. Be it further enacted that in order for any Board of Education to borrow money for the purpose hereinbefore stated there shall be passed by said Board a resolution authorizing said money to be borrowed in which resolution it shall be stated the amount of money to be borrowed, the length of time the same is to be used, the rate of interest to be paid and for what purpose borrowed and from whom the same is to be borrowed, which resolution shall be by the County School Commissioner recorded on the minutes of the meetings of said Board of Education.

SEC. 3. Be it further enacted, That no money shall be borrowed for any longer time than is necessary and the same shall be paid back out of any funds coming into the hands

of the County School Commissioner that can be legally applied to the payment of the same.

SEC. 4. Be it further enacted, That said Board of Education so borrowing money shall borrow the same at as low a rate of interest as possible and they are authorized to pay the interest on said money out of the public school fund for said county.

SEC. 5. Be it further enacted, That at the spring term of the Superior Court of each county in this State where money has been borrowed by the Board of Education under the provisions of this Act, the County School Commissioner, shall include in his report to the grand jury the amount of money so borrowed during the preceding year, from whom borrowed, the rate of interest paid, the date or dates the same was borrowed and when paid back.

SEC. 6. Be it further enacted, That after the resolution aforesaid has been passed by any Board of Education the President of the Board of Education together with the County School Commissioner shall have the right to execute a note or notes in the name of the Board of Education of said county for any money that is authorized to be borrowed, under the resolution passed by said Board of Education.

SEC. 7. Be it further enacted, That when any money shall be borrowed under the provisions of this Act the same shall be paid over to the County School Commissioner and become a part of the public school fund of said county and the same shall be by the County School Commissioner paid out to the teachers of said county and the County School Commissioner shall be responsible for any money borrowed under authority of this Act and paid into his hands in the same way and to the same extent that he is responsible for any other public school funds coming into his hands.

SEC. 8. Be it further enacted, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved July 15, 1910.

## TO ALLOW MUNICIPALITIES TO HOLD LOCAL TAX ELECTION.

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SECTION 1. Be it enacted by the General Assembly of Georgia, That any municipality authorized by law to establish and maintain a system of public schools by local taxation, in whole or in part, and which is not now specifically authorized to hold an election on the question of local taxation for school purposes shall have the right to submit the question of local tax for public schools to the qualified voters of the municipality.

SEC. 2. Be it further enacted, That upon petition of one-fourth of the qualified voters of such municipality, the municipal authorities shall order an election to be held not earlier than twenty days and not later than forty days after receiving such petition. Notice of such election shall be published in a newspaper in the municipality at least once a week for two weeks before the election, or, if there be no such newspaper, then notice of such election shall be posted in at least three conspicuous places within the municipality ten days prior to the election.

SEC. 3. Be it further enacted, That those favoring local taxation for public schools shall have written or printed on their ballots "For local taxation for public schools," and those opposed shall have written or printed on their ballots "Against local taxation for public schools."

SEC. 4. Be it further enacted, That the returns of such election shall be made, and the result declared, as prescribed for other elections in and for the municipality. Two-thirds of those voting shall be necessary to carry the elections for local taxation. An election for the purpose herein named shall not be held oftener than once every twelve months.

SEC. 5. Be it further enacted, That all laws in conflict with this Act are hereby repealed.

Approved August 13, 1910.

**TO ENABLE COUNTY BOARDS OF EDUCATION TO  
FILL UNEXPIRED TERMS OF COUNTY  
SCHOOL COMMISSIONER.**

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SECTION 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same; that Section 4 of said Act be amended by striking from Section 4 all the words thereof after the word "term" in the seventh line and substituting the words "and in such case the provisions of Section 2 hereof shall not apply, so that said Section as amended will read as follows: Section 4. Be it further enacted by the authority aforesaid, That in case of a vacancy caused by death, resignation, removal from office or from any cause whatsoever in the office of County School Commissioner in any county of this State, the County Board of Education shall elect a County School Commissioner for the unexpired term, and in such case the provisions of Section 2 hereof shall not apply."

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved August 15, 1910.



## PERSONS' CONSTITUTIONAL AMENDMENT TO ALLOW TAX FOR HIGH SCHOOLS.

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SECTION 1. Be it enacted by the General Assembly of Georgia and it is hereby enacted by authority of the same, That Paragraph 2 of Section 6, Article 7 of the Constitution of this State be, and the same is hereby amended by striking from said Paragraph 2, Section 6, Article 7, the following words "in instructing children in the elementary branches of an English education only." So that when said Paragraph is amended it will read as follows: "The General Assembly shall not have power to delegate to any county the right to levy a tax for any purpose, except for educational purposes, to build and repair the public buildings and bridges; to maintain and support prisoners; to pay jurors and coroners, and for litigation, quarantine, roads and expenses of court; to support paupers and pay debts heretofore existing."

SEC. 2. Be it further enacted, that whenever the above proposed amendment to the Constitution shall be agreed to by two-thirds of the members elected to each of the two Houses of the General Assembly and the same has been entered on their Journals with the ayes and nays taken thereon, the Governor shall cause said amendment to be published in at least two newspapers in each Congressional District in this State for the period of two months next preceding the time of holding the next general election.

SEC. 3. Be it further enacted, That the above proposed amendment shall be submitted for ratification or rejection to the electors of this State at the next general election to be held after publication, as provided in the second Section of this Act in the several election districts of this State, at which election every person shall be qualified to vote who is entitled to vote for members of the General Assembly. All persons voting at said election in favor of adopting the proposed amendment to the Constitution shall have written or printed on their ballots the words: "For amendment

of Paragraph 2, Section 6, Article 7, permitting counties to levy taxes for educational purposes," and all persons opposed to the adoption of said amendment shall have written or printed on their ballots the words "Opposed to amendment of Paragraph 2, Section 6, Article 7, permitting counties to levy taxes for educational purposes."

SEC. 4. Be it enacted, That the Governor be and he is hereby authorized and directed to provide for the submission of the amendment proposed in this Act to a vote of the people, as required by the Constitution of this State in Paragraph 1 of Section 1 of Article 13, and if ratified the Governor shall, when he ascertains such ratification from the Secretary of State to whom the returns shall be referred, in the manner as in cases of elections of members of the General Assembly, to count and ascertain the result, issue his proclamation for one insertion in one of the daily papers in this State, announcing such results and declaring the amendment ratified.

SEC. 5. Be it further enacted, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved August 4, 1910.

## TO ALLOW LOCAL TAX DISTRICTS LAID OFF ACROSS COUNTY LINES.

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SECTION 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That the Act approved August 21, 1906, entitled, "An Act to amend an Act entitled, 'An Act to provide for the creation and operation of local tax district schools, and for levying and collection of local tax by districts of counties for educational purposes, for the laying off of counties in school districts, and for other purposes,'" approved August 23, 1905, so as to provide for amending the caption, to provide a proper enforcement of the bill and for the laying off of counties into districts of reasonable size, for the election of district trustees, whether local tax is levied and collected or not, to provide a correct method of assessing and collecting the taxes in local districts, and for other purposes," be and the same is hereby amended by adding after the word "so" near the middle of the 17th line of Section 1, of said Act as amended as it appears in the published Acts of 1906, on page 66 of said published Acts, the following words, to-wit: "By concurrent consent and action, Boards of Education of two or more adjoining counties may lay off and define school districts without regard to county lines; *provided*, That the Board of Education of the county in which the school-house is located shall have supervision of same; and *provided*, That the Ordinary of the county in which the school-house is located shall order the election; and *provided*, That the tax collector of each county from which territory has been cut, shall collect the school tax levied by the trustees of the school districts thus formed in the territory cut from his county, and shall pay the same when collected to the authorized officer of said board," so that said Section of said Act shall, when amended, read as follows: "Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That within thirty days after the

passage of this Act, or as soon thereafter as practicable, it shall be the duty of the County Board of Education of each county in Georgia, to lay off the county into school districts, the lines of which shall be clearly and positively defined by boundaries, such as creeks, public roads, land lines, district lines or county lines. The school districts thus marked out shall contain an area of not less than sixteen square miles, and where practicable, shall be so shaped as to have the school buildings as near the center as possible, and no territory shall be included whose occupants reside further than three miles from the school-house without written petition of two-thirds of the qualified voters therein; *provided*, That the board of education may have the right to establish districts with areas less than sixteen square miles where there are natural causes or local conditions that make it necessary to do so. By concurrent consent and action, boards of education of two or more adjoining counties may lay off and define school districts without regard to county lines; *provided*, That the Board of Education of the county in which the school-house is located shall have supervision of same; and *provided*, That the Ordinary of the county in which the school-house is located shall order the election; and *provided*, That the tax collector of each county from which territory has been cut, shall collect the school tax levied by the trustees of the school district thus formed in the territory cut from his county, and shall pay the same when collected to the authorized officer of said board. The natural causes which will permit the creation of smaller districts are mountains, streams over which there are no bridges, and dangerous roads. Local conditions which will permit the creation of small districts must be determined by the Board of Education. "In counties having incorporated towns, now levying a local tax for educational purposes and operating a public school system under their town charter or special Act of the Legislature, the county Board of Education, with the consent of the municipal authorities, may create a school district larger than the incorporated limits of the town by adding adjacent territory not already included in the incorporated limits, and the dis-

trict thus marked out shall become a school district upon the vote of the people as hereinafter provided, but such school district, including incorporated towns, having a population of four thousand or more, shall be and remain under the exclusive supervision and direction of the school boards of the previously chartered schools in said class of incorporated towns and not under supervision of County Board of Education, and the school boards of such chartered schools in incorporated towns shall be trustees of said school district under this Act; *provided, further,* That if there be located in such school districts a chartered school controlled by a board of stockholders or by directors elected by them, the management and control of said chartered school shall remain in them, and they shall have all the rights and privileges of this Act to collect local taxes as hereinafter provided in this Act, and to receive their share of the State public school fund. A map of the county thus laid off, plainly outlining the boundaries of the school district with full description thereof, shall be filed with the Ordinary within forty days after the passage of this Act or as soon thereafter as practicable, and the boundaries of said school districts shall not be altered any oftener than two years. The County Board of Education, in laying off the county, shall disregard any school districts embracing territory not included in incorporated towns heretofore created by special Act of the Legislature. The failure of any County Board of Education to comply with the requirements of this Section within six months after the passage of this bill shall operate to annul their commissions, and vacancies thus created shall be filled as the law requires such vacancies to be filled."

SEC. 2.—Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved August 15, 1910.

## 1911 SCHOOL LEGISLATION.

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AN ACT TO REVISE THE SCHOOL LAWS OF  
GEORGIA.

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SECTION 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That there shall be a State Board of Education composed of six members, as follows: The Governor, the State Superintendent of Schools, and four other persons, who shall be appointed by the Governor of the State, two for two years and two for four years, their terms of office thereafter to be for four years each, or until their successors are appointed and qualified. At least three of said appointees shall be men of practical experience in teaching schools and of high standing in educational work, having at least three years practical experience as a teacher in the schools of Georgia, and being thoroughly conversant with the operation of rural schools. Should a vacancy occur at any time in said Board it shall be filled by the Governor; *provided*, That the nomination of the Governor for membership on the State Board of Education shall be subject to confirmation by the Senate; and *provided further*, That an appointment made when the Senate is not in session shall be effective until the Legislature convenes and acts on the appointment. No person who is now or has been connected with or employed by a school-book publishing concern shall be eligible to membership on said State Board of Education, and if any person shall become so connected or employed after becoming a member of said Board his place on said Board shall become vacant.

SEC. 2. The said Board of Education shall take oaths of office and enter upon the discharge of their duties immediately after their appointment. They shall meet in the office of the State Superintendent of Schools. The Governor shall preside over their body as Chairman of the Board when it is practicable for him to be present; but when he can not be present, they shall select their Chairman and proceed with

their business whenever a majority of the Board is present. The Board shall meet at least quarterly in regular session and at any other time when an emergency arises, and they shall be called together by the Governor of the State or State School Superintendent. The four appointees shall receive as compensation for their services \$250.00 per annum each, which shall be paid out of the State Treasury on the warrant of the Governor and be allowed their actual traveling expenses in going and returning to their homes, upon submitting a sworn itemized statement, accompanied by proper vouchers and not otherwise. The total expenses for the four appointees shall not exceed \$100.

SEC. 3. The State Board of Education shall provide rules and regulations for the supervision of all schools in the State. They shall provide the course of study for all common and high schools of the State receiving State aid. They shall select and make out a list of text-books to be taught in said schools, which can be changed only every five years; unless the peculiar conditions of any county or community demand certain changes, in which case, the County Board, together with the County Superintendent, shall make application to the State Board suggesting such changes and give their reasons therefor, whereupon if the said Board sees proper, their request shall be granted. Provided, This clause shall in no way affect the present State adoption of books. This Board of Education shall be the final court of appeal to hear and decide all matters which have been appealed from the State Superintendent of Schools. They shall determine the necessary office force of the State Superintendent of Schools, and shall fix the compensation of the same. Not however, to exceed \$1,800.00 per annum more than at present paid.

SEC. 4. Each county in the State shall constitute a school district and the public school funds shall be apportioned among the several districts by the State Board of Education as now provided by law. They shall also provide for normal instruction of teachers in each of the districts, either by institutes or otherwise. They shall have power to compel the attendance of teachers upon such normals and institutes,

to provide penalties for non-attendance, to provide for the examination of the teachers of said State, and to grant licenses to those that are qualified who desire a State or special license.

SEC. 5. Be it further enacted, That in the place of the State School Commissioner the office of State Superintendent of Schools is substituted; *provided*, That the person now holding the office of State School Commissioner shall serve as State Superintendent of Schools during the remainder of the term for which he was elected; and exercise all of the duties now exercised by such official, in addition to powers herein granted. The term of office shall be for two years and until his successor is elected and qualified. He shall be elected as the present State School Commissioner is elected and exercises the same powers, except as hereinafter may be changed or altered.

SEC. 6. Be it further enacted, That upon entering the discharge of his official duties, the State Superintendent of Schools shall give bond in the penal sum of Ten Thousand (\$10,000) Dollars to the State of Georgia, with some approved surety company which shall be acceptable to the Secretary of State, conditioned that he will truly account for and apply all money or other property which may come into his hands in his official capacity for the use and benefit of the purpose for which it is intended, and that he will faithfully perform the duties enjoined upon him by law. He shall take and subscribe an oath to diligently and faithfully discharge the duties of his office. The bond with certified endorsement thereon, shall be filed with the Secretary of State; the premium charged for said bond shall be paid out of the treasury of the State.

SEC. 7. In addition to the powers hereinbefore given, the said State Superintendent of Schools shall be the Secretary and Executive Agent of the State Board of Education, for which services he shall receive One Thousand (\$1,000) Dollars.

SEC. 8. Be it further enacted, That to render a person eligible to hold the office of State Superintendent of Schools he shall be a man of good moral character, of high educa-



tional standing, have had at least three years' practical experience as a teacher, or in lieu thereof shall have a diploma from a reputable college or normal school, or shall have had five years' experience in the actual supervision of schools, and be at least thirty years of age.

SEC. 9. The State Superintendent of Schools shall carry out and enforce all the rules and regulations of the State Board of Education and the laws governing the schools of the State receiving State aid, he shall from time to time make such recommendations to the State Board as may affect the welfare and efficiency of the public schools throughout the State; he shall have authority to suspend a County Superintendent of Schools for incompetency, willful neglect of duty, misconduct, immorality or the commission of crime involving moral turpitude; *providing, of course,* That all of his acts in this matter shall be subject to the approval of the State Board of Education and the party so suspended may appeal his case to the State Board, whose decision shall be final. The State Superintendent of Schools shall have power, with the consent and approval of the State Board of Education to appoint three State School Supervisors, whose professional qualifications shall be the same as State Superintendent's who shall act under the direction of the State Superintendent of Schools and fill the place of the experts provided for in the Acts of 1891, which were amended in 1892 and 1893. The salaries paid these Supervisors shall be fixed by the State Board of Education and shall not exceed Two Thousand Dollars each per annum, together with necessary traveling expenses; *provided,* The same shall not exceed \$2,000 dollars. The Supervisors shall keep itemized statements of their expenses, which shall be sworn to monthly and approved by the State Superintendent of Schools and be paid out of the State Treasury. It shall be especially the duty of these Supervisors to act as instructors of institutes to give State normal instruction and training as the State Superintendent may direct in each county; to grade the papers of applicants for professional certificates or State licenses and to aid generally in supervising, systematizing and improving the schools of the State under the direction of the State Superintendent of Schools.

SEC. 10. The State Superintendent of Schools with the advice and approval of the State Board of Education, shall appoint one person who shall be a competent and experienced bookkeeper and accountant at a salary of Two Thousand Dollars per annum, together with his actual traveling expenses, whose duty it shall be to thoroughly audit and check the books and accounts of County Superintendents and the Treasurers of local school systems, of municipal systems, of the State University and all its branches, including the District Agricultural Schools, the State College of Agriculture, Technological Schools and all other schools receiving State aid and make regular annual reports to the State School Superintendent showing the amount received, for what purposes received, and for what purposes expended. All such funds held by officials must be kept in banks separate from their individual bank accounts. He shall be allowed his traveling expenses from itemized statements sworn to, as the Supervisors are allowed theirs in the foregoing section, provided the total expenses shall not be more than \$1,000 per annum.

SEC. 11. It shall be the duty of the State Superintendent of Schools, in addition to the powers already granted, that in the event of a misapplication of any of the funds apportioned to any of the institutions of learning or schools receiving State aid he shall at once proceed to recover the same by the institution of proper procedure in the courts of competent jurisdiction after demand is made upon the party misapplying the funds to settle same. Should it become necessary to procure additional legal services other than that of the Attorney-General, the Governor is authorized to procure special or local counsel and arrange to pay for the recovery of said funds, such fee out of the funds collected as is usual and customary in the locality where the suit is instituted.

SEC. 12. Be it further enacted, That the office of County Superintendent of Education shall be substituted for the office of County School Commissioner; *provided*, That the persons now holding the office of County School Commissioner shall continue to serve as County Superintendent of Schools during the remainder of the term for which they

were elected respectively. In the regular election for State-house officers prior to the expiration of the present term of office of the County School Commissioner, there shall be elected by the qualified voters of each county in this State a County Superintendent of Schools, whose term of office shall be for four years; and every four years thereafter there shall be an election for the purpose of filling such office. The duties of the County Superintendent of Schools shall be the same as those of the County School Commissioner, except as hereinafter changed. It shall be his duty to enforce all regulations, rules, and instructions of the State Superintendent of Schools and of the County Board of Education according to the laws of the State and the rules and regulations made by the said State Board of Education that are not in conflict with the State laws; and he shall, together with the State Supervisors hereinbefore provided for, superintend the county normals and institutes for the teachers of his county, and shall visit every school, both white and colored, within his school district which receives State aid, at least once every sixty (60) days and familiarize himself with the studies taught in said schools, see what advancement is being made by the pupils, advise with the teachers and otherwise aid and assist in the advancement of education.

SEC. 13. He shall superintend examinations of all teachers of his county as provided by law. He shall hereafter suspend any teacher under his supervision for a non-performance of duty, incompetency, immorality or inefficiency, and for other good and sufficient cause, from which decision the teacher may appeal to the County Board of Education, and either being dissatisfied with their decision, they can appeal to the State Superintendent or from there to the State Board of Education, the decision of which shall be final.

SEC. 14. Before any person shall be qualified or eligible to the office of County Superintendent of Schools, he shall have had at least three years' practical experience in teaching, one year of which shall have been in the schools of Georgia, hold a first grade license, or in lieu thereof shall have a diploma from a reputable college or normal school, or shall

have had five years' experience in the actual supervision of schools, or stand an approved examination before the State Board as to his qualifications, and be a resident of the county in which he offers for election, be a person of good moral character, never convicted of any crime involving moral turpitude. The County Superintendent shall perform all the clerical duties which are now required of the County School Commissioner.

SEC. 15. Be it further enacted, that each County School Superintendent within the State of Georgia shall receive a minimum salary of \$450.00 per annum, and an annual allowance of \$150.00 for the purpose of defraying the expenses of visiting the schools within his county at least every sixty (60) days, or a total of \$600.00, which salary shall be paid out of the school funds of Georgia monthly; and in addition thereto, the county Board of Education shall allow such additional compensation for the services to be rendered as may be in their judgment proper and just.

SEC. 16. Be it further enacted, That the County Board of Education shall consist of five (5) members as now provided by law and selected by the grand jury as now provided by law, except that the grand jury in selecting such members shall not select one of their own number then in session, nor shall they select any two of those selected from the same militia district or locality, nor shall they select any person who resides within the limits of a local school system operated independent of the County Board of Education, but shall apportion members of the Board as far as practicable over the county; they shall select men of good moral character, who shall have at least a fair knowledge of the elementary branches of an English education and be favorable to the common school system.

SEC. 17. Be it further enacted, That the County Board of Education shall have and exercise all the powers that are now exercised by the County Board of Education except as may be herein changed; *provided*, That the County Superintendent of Schools and County Board of Education shall make rules to govern the county schools of their respective counties; upon being called together by some one of their number after

their selection, they shall organize by selecting a chairman. The County Superintendent shall act as Secretary of the Board, and keep the minutes of their meetings and make a permanent record of the same and do any other clerical work that they may direct him to do. Said board may suspend the County Superintendent same as State Superintendent, and may suspend teachers same as County Superintendent. In each case there may be an appeal to State Board.

SEC. 18. Be it further enacted, That after the passage of this Act, the Board of Education of any county shall have the right if, in their opinion, the welfare of the schools of the county and the best interests of the pupils require, to consolidate two or more schools located in the same or different districts into one school, to be located by said Board at a place convenient to the pupils attending the same, said school-house to be located as near the center of the district or districts involved as practicable. Whenever two or more schools are consolidated as hereinafter provided, the County Superintendent shall call an election of trustees for said consolidated schools from the district or districts concerned; said election shall be held in accordance with the provisions of existing law, and the result determined and declared by the Board of Education. The County Board of Education shall have the further power, when the best interests of schools demand, to separate or divide any school district into two or more school districts and to provide for the election of a Board of Trustees for each of said districts, and to do all other things for the government and control of said districts as is herein provided for the organization and control of school districts. *Provided*, That such County Boards of Education shall have authority to establish two schools in any school district in this State if they deem it best to do so.

SEC. 19. Be it further enacted, That whenever in the opinion of the County Board of Education, the best interests of the school demand, the Board of Education shall have the right to consolidate two or more districts or parts of districts or to add any part of one district to any other district or to change the line or lines of any district at any time, when, in their judgment, the best interests of the schools require such change, into one school district with the purpose

of the election of the Board of Trustees and of the location of the school at some central place as hereinbefore provided; but should as many as ten of the patrons of the said school or schools object to the consolidation, it shall be the duty of the County Superintendent to call an election to be held in said district or districts affected, giving thirty (30) days notice of same by publishing the same once a week for four weeks in the paper in which County advertisements are published, and also by posting notice at three or more public places in the district, or districts to be affected thereby, at which election should a majority of the qualified voters vote for consolidation, the schools shall be consolidated; otherwise, not. The result of such election shall be determined and declared by the Board of Education and the same shall be held as other elections are held.

SEC. 20. Be it further enacted, That whenever the County Board of Education deems it for the best interest of a school, it shall have the right to provide means for the transportation of the pupils to and from said school; *provided*, That no school is established in three miles of the pupils to be transported; *provided, further*, That this shall only apply to school or schools where two or more districts have been combined or consolidated and such other schools that are now furnishing transportation. No school trustee, teacher, or superintendent of county schools shall be interested financially in the transportation of pupils.

SEC. 21. Be it further enacted, That it is not the intention of this Act to repeal or interfere with the laws which have been enacted establishing local tax district schools, municipal schools, or other schools already established by law, except that no person shall be allowed to teach in any school in the State of Georgia receiving State aid without first standing an examination and procuring a license as provided by the State Board of Education and State Superintendent; *provided*, They are hereby authorized and directed to prescribe and require a different examination of teachers who are engaged in teaching primary grades only, from that required of teachers of higher grades; *provided, nevertheless*, That the State Board of Education may, when the authorities

in charge of any local municipal schools are maintaining a sufficiently high standard of examinations for its teachers, delegate to the authorities of these systems the right to license teachers to teach in their respective systems, upon examinations to be provided by such local authorities, reserving, however, to the State Board of Education the right to revoke this delegation of authority as to any local system whenever it appears that the authorities of that system have relaxed the standard or failed to give examination. Nothing herein contained shall be construed as affecting the right of the authorities of local municipal systems to prescribe the courses of study therein, or select text-books, in those schools where they are now allowed to do so by law.

SEC. 22. Be it further enacted, That none of the provisions of this bill shall apply to local county school systems which were in existence at the time of the adoption of the Constitution of 1877. Nor shall any of the provisions of this act apply to the school system of any municipality having a population of one hundred thousand people or more.

SEC. 23. Be it further enacted, That no member of the State Board of Education or any appointees of said Board or any other person or persons that has the authority of selecting or in any way aiding in the selection of school books for the schools of Georgia shall not for themselves or any member of their respective families receive any gifts, compensation or remuneration of any kind from any school-book publishing house, corporations, individuals, or the agents or representatives of either, nor shall any person, publishing house or corporation engaged in publishing or the sale of school books offer to any of said board or their families or appointees any gift, compensation or remuneration, directly or indirectly. Any person violating the provisions of this section shall be guilty and punishable for a misdemeanor. Should any of the aforementioned publishing houses, corporations or persons engaged in publishing or selling school books offer to any of the aforementioned officers, their families or appointees any such compensation, remuneration or reward of any kind, it shall be their duty to report the same to the grand juries of their respective counties, and on failure or

refusal to do so, they or either of them so failing or refusing shall be guilty and punishable for a misdemeanor, and such officers on conviction thereof shall be removed from office.

SEC. 24. All laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

### AN ACT

To provide for special examination of applicant for the office of county School Commissioner in certain cases and to provide for the expense thereby incurred, and for other purposes.

SECTION 1. Be it further enacted by the General Assembly of the State of Georgia and it is hereby enacted by authority of same, That from and after the passage of this Act whenever at a regular examination held for County School Commissioners as now provided by law, no applicant makes the required 85 per cent., then in such cases the State School Commissioner shall order a second examination, or as many more as may be necessary until some applicant who is otherwise duly qualified to hold said office shall attain the required 85 per cent.

SEC. 2. Be it further enacted by the authority aforesaid, That in all cases where there has been for any cause no legal election for County School Commissioner at the regular biennial election, and in case of the election to this office of a candidate not qualified, then it shall be the duty of the Ordinary of such county to call a special election to fill this office and he shall fix the time for said special election not later than sixty days prior to the expiration of the term of office of the then County Commissioner, subsequent to the examination provided by the State School Commissioner.

SEC. Be it further enacted by the authority aforesaid, That the expenses of all special elections herein provided for shall be paid out of the County Treasury as in case of general elections.

SEC. 4. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

NOTE.—This legislation has been practically nullified by the General Act passed later, known as the White Bill.



## 1912 LEGISLATION.

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AN ACT

To provide for issuing bonds for the purpose of building school houses in school districts in which a local tax is now or may hereafter be levied for school purposes.

SECTION 1. Be it enacted by the General Assembly of Georgia and it is hereby enacted by the authority of the same, That when one-fourth of the registered qualified voters of a school district in which a local tax is now, or may hereafter be levied for school purposes, shall be filed with the Board of Trustees of such a district, a petition asking for an election for the purposes of determining whether or not bonds shall be issued for the purpose of building and equipping a school house or houses for said district, the required number of petitioners to be determined by said Board of Trustees, it shall be the duty of said Board of Trustees to fix the amount, denomination, rate of interest, and dates when due, and call such election in terms of law now provided for a county issue of bonds, except as herein otherwise provided. The said Board of Trustees, in case the election is for a bond issue, shall follow the law as required of county authorities as embodied in Section 440, *et sequitur*, of the Code of 1910, Volume 1, in the issue thereof. Said Board of Trustees may order such election to be held on the school site or other suitable place in the district, of which they shall give notice by posting same at three public places in said district, not less than ten days previous to said election. None but registered qualified voters shall be permitted to vote in said election. The ordinary shall furnish a certified list of registered voters in such school district to the managers of the election thirty days before such election is held. The ballots cast shall have written or printed thereon "For School House" or "Against School House." The ballots cast and the voting list shall be lodged with the said Board of Trustees who shall declare the result. Said Board of Trustees, or a majority of them, shall be the

election managers, and if for any reason they fail to act, any three freeholders of the district may qualify and act.

SEC. 2. Should bonds be issued and sold, the proceeds shall be turned over to the Board of Trustees in trust for the purpose of erecting a school building or buildings which said Board may deem suitable. Said Board of Trustees is authorized to remove, sell or otherwise dispose of old building or buildings and grounds and select a new site and erect a new building thereon, and add to the proceeds from the sale of bonds any other proceeds which may come from disposition of building or buildings and site, or from donations or otherwise, all to be held in trust to be used for the purpose aforesaid, and no compensation shall be paid to said Board of Trustees nor to any member thereof for service.

SEC. 3. Be it further enacted that all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved August 17, 1912.

### AN ACT

To require the Treasurer or Secretary and Treasurer of any board of trustees of a public school receiving money raised by local taxation for public schools, or otherwise, to give bond, to keep an accurate set of books, to submit his books to the county superintendent of schools, to be audited by the State Auditor and to further provide the duties of such Treasurer, or Secretary and Treasurer and for other purposes.

SECTION 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, that from and after the passage of this Act, it shall be the duty of the treasurer or the secretary and treasurer of any Board of Trustees of a public school receiving money raised by Local Taxation for public schools, to make a good and sufficient bond for the faithful performance of his duties, payable to the County Board of Education in a sum not less than double the amount of money likely to be received by him during his term of office, the amount and sufficiency of said bond to be judged by the County Board of Education, which amount may be increased in the discretion of the County Board of Education.

SEC. 2. Be it further enacted by the authority aforesaid, That in the event the Treasurer or Secretary and Treasurer as aforesaid, shall fail to make the bond required in the first section of this Act, then and in that event, any money raised by Local Taxation for public schools or otherwise, which unde the laws should have been paid over to the Treasurer, or the Secretary and Treasurer, shall be paid over to the County Board of Education, to be by them paid out on the orders of the Board of Trustees of such school district in the manner other moneys are paid out by them.

SEC. 3. Be it further enacted, That the Treasurer or Secretary and Treasurer as aforesaid shall not pay out any money as held in his hands, except upon the order of the Board of Trustees, signed by the president or chairman, of which he is Treasurer or Secretary and Treasurer. He shall further in all

cases take a receipt for all moneys expended or paid out, which shall be attached to the order for same, which, when properly done, shall constitute a proper voucher for the money thus paid out.

SEC. 4. Be it further enacted by the authority aforesaid, That the Treasurer or the Secretary and Treasurer as aforesaid, shall keep an accurate account of all money received and paid out by him in a substantially bound book, which together with all vouchers, shall be submitted once each year to the County Superintendent of Schools to be audited by the State Auditor when he shall audit the County Superintendent's books, but the County Board of Education may direct that any other competent person audit these books.

SEC. 5. Be it further enacted by the authority aforesaid, That the provisions of this Act shall apply only to those school districts which have adopted or may adopt Local Taxation for public schools under the district plan as provided under Section 1535, Volume 1 of the Code of 1911. *Provided further* that the provisions of this bill shall not apply to any Secretary or Treasurer who receives no compensation. This Act shall not apply to any municipal system of schools in this State.

SEC. 6. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be and the same is hereby repealed.

Approved August 19, 1912.

**AN ACT**

To fix and make uniform the term of office of County Superintendent of Schools and for other purposes.

SEC. 1. Be it enacted by the General Assembly of the State of Georgia and it is hereby enacted by authority of the same, that the term of office of County Superintendent of Schools in each and every county of the State of Georgia shall begin with the first day of January 1913 and terminate with the first day of January, 1917, and that the said County Superintendent of Schools shall be elected for a term of four years as now provided by law at the same time and places as state and county officers.

SEC. 2. Be it further enacted that the term of office of all County Superintendents of Schools beginning during the year 1912, shall continue until the first day of January, 1917, or until their successors are elected and qualified as is now provided by law.

SEC. 3. Be it further enacted that all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved August 19, 1912.

## LIST OF STATE EDUCATIONAL INSTITUTIONS.

Name.	Location.	Principal.
University of Georgia.....	Athens.....	D. C. Barrow, Chancellor.
Georgia School of Technology.....	Atlanta.....	K. G. Matheson, President
Georgia Normal and Industrial College..	Milledgeville..	M. M. Parks, President.
State Normal School .....	Athens.....	J. M. Pound, President.
North Georgia Agricultural College.....	Dahlonega.....	G. R. Glenn, President.
Georgia School for the Deaf.....	Cave Springs...	W. O. Conner, Principal.
Georgia Academy for the Blind.....	Macon.....	G. F. Oliphant, Principal.
Georgia State Industrial College.....	Savannah.....	R. R. Wright, President.

### District Agricultural Schools.

First District .....	Statesboro..	E. C. J. Dickens, Principal.
Second District ....	Tifton.....	J. F. Hart, Jr., Principal.
Third District .....	Americus.....	J. M. Collum, Principal.
Fourth District .....	Carrollton.....	J. H. Melson, Principal.
Fifth District .....	Monroe.....	J. H. Walker, Principal.
Sixth District .....	Barnesville..	W. H. Maxwell, Principal.
Seventh District .....	Powder Spgs....	H. R. Hunt, Principal.
Eighth District .....	Madison.....	W. G. Acree, Principal.
Ninth District .....	Clarksville.....	M. C. Gay, Principal.
Tenth District .....	Granite Hill...	George White, Principal.
Eleventh District .....	Douglas.....	C. W. Davis, Principal.

# BOOKS ADOPTED FOR THE COMMON SCHOOLS OF GEORGIA, 1909-1914.

SUBJECT.	BOOK ADOPTED AND PUBLISHER.	CLOTH.		BOARDS.	
		Retail Price	Exch'ge Price	Retail Price	Exch'ge Price
Primer. Readers	Wheeler's Graded Primer. Wheeler & Co.	.25	.10	--	--
	Graded Literature, First Reader. Chas. E. Merrill Co.	.20	.10	--	--
	Graded Literature, Second Reader. Chas. E. Merrill Co.	.25	.13	--	--
	Lee's Third Reader. American Book Co.	.30	.15	.25	.12
	Lee's Fourth Reader. American Book Co.	.35	.17	.30	.15
Arithmetic	Lee's Fifth Reader. American Book Co.	.35	.17	.30	.15
	Wentworth's New Elementary. Ginn & Co.	.25	.12	--	--
	Wentworth's Practical. Ginn & Co.	.40	.20	--	--
	Hyde's Two Book Course in English. Book I. D. C. Heath & Co.	.25	.12	.22	.11
	Hyde's Two Book Course in English. Book II. D. C. Heath & Co.	.46	.23	.40	.20
Grammar	Frye's Elementary Geography. Ginn & Co.	.40	.20	--	--
	Frye's Higher Geography. Ginn & Co.	.88	.44	--	--
	Beginner's History of Our Country. Southern Pub. Co.	.40	.20	--	--
	Field's History of the United States. American Book Co.	.65	.32	--	--
	Evans' History of Georgia. American Book Co.	.60	.30	--	--
Agriculture. Physiology Civics	Hunnicut's Agriculture. Cultivator Pub. Co.	.55	.27	--	--
	Hutcheson's Lessons in Physiology and Hygiene. Book I. Chas. E. Merrill Co.	.35	.17	--	--
	Peterman's Civil Government (Georgia Edition). American Book Co.	.54	.27	.44	.22
	Branson's Speller. Book I. B. F. Johnson Pub. Co.	--	--	.13	.06
	Swinton's Word Book. (Special Edition). American Book Co.	--	--	.12	.06
Writing	Writing Hour Series. Seven Numbers. Chas. E. Merrill Co.	--	--	.05	--

¶These should be ordered from the Southern School Book Depository, 121 Auburn Ave., Atlanta, Ga. The other publishers all have Atlanta offices. In case of a scarcity of books, write the publishers at Atlanta. It is to their interest to keep the counties supplied.

# COURSE OF STUDY ADOPTED FOR THE COMMON SCHOOLS OF GEORGIA.

Books Adopted by the State School Book Commission for Five Years, Beginning January 1, 1909.

Reading	Writing	Arithmetic	Eng. Lessons and Grammar	History and Civics	Spelling	Geography	Physiology	Agriculture
<b>First Reader</b> Classes	Wheeler's Primer Graded Literature First Reader	Copying words and sentences on Tablet Book I Writing Hour	Oral Language Lessons Oral Number Work	Courtesy and Politeness by story and Illustration	Words from the Reading Lessons		Health Talks on Physical Culture	Nature Study Pets and Animals
<b>Second Reader</b> Classes	Graded Literature Second Reader (Supplementary Reading Optional)	Wentworth's New Elementary Arithmetic	Oral Language Lessons Sentence Writing	Stories of Great Men and Women Reproduction	Branson's Speller Book I to page 40	Oral Work in Home Geography	Health Talks and Physical Culture	Nature Study Birds
<b>Third Reader</b> Classes	Lee Reader: Book Three (Supplementary Reading Optional)	Wentworth's New Elementary	Oral Language Lessons Simple Composition	Stories of Great Men and Women Reproduction	Branson's Speller Book I to page 70	Oral Work in Home Geography	Health Talks and Physical Culture	Nature Study Flowers
<b>Fourth Reader</b> Classes	Lee Reader: Book Four (Supplementary Reading Optional)	Wentworth's New Elementary	Hyde's English Lessons	Beginner's History of our Country	Branson's Speller Completed Book I	Fry's Elementary Geography to page 87	Health Talks and Physical Culture	Nature Study Trees
<b>Fifth Reader</b> Classes	Lee Reader: Book Five (Supplementary Reading Optional)	Wentworth's New Elementary Arithmetic	Hyde Book Completed	Field's History of United States	Swinson's Word Book to page 42	Fry's Elementary Geography Completed	Health Talks and Physical Culture	Nature Study Insects
<b>Sixth Grade</b> Classes	Evans' History of Georgia begun (Supplementary Reading Optional)	Wentworth's Practical Arithmetic	Hyde Book II	Field's History of United States	Swinson's Word Book to page 91	Fry's Higher Geography to chapter 68, page 106, and Georgia Supplement	Health Talks and Physical Culture	Nature Study Soils and Mineral
<b>Seventh Grade</b> Classes	Evans' History of Georgia Completed	Wentworth's Practical Arithmetic Completed	Hyde Book II	Pearman's Civ Government (Georgia Edition) Part I and II	Swinson's Word Book Completed	Fry's Higher Geography, completed Review Page 1 to 33 Use Topical Index, page 6	Hutcheson's Lesson in Physiology and Hygiene	Huntcutt's Lesson in Agriculture

This course of Study indicates the order in which the text books should be studied. The time required to complete each division of the work will vary. The work in each of the Fourth, Fifth, Sixth and Seventh divisions may require eight, nine or ten months. In schools having only one teacher, it may be necessary to alternate two studies. Require Composition work, letters, sketches, essays, written exercises and declamations in connection with the regular lessons. The School Law requires pupils to take all the studies in their respective grades. Require every pupil to take examinations. Those pupils of the seventh grade, who make an average of 80% in the annual examination, may receive a Certificate.

M. L. BEATTAIN,  
State Superintendent of Schools.



# INDEX

## A

Advisory Powers of State Board .....	8
Appeal to State Board .....	8
Additional Duties State Board .....	6
Annual Report of State School Commissioner.....	10
Appeals .....	19
Administering Oaths .....	19
Additional Duties C. S. C. ....	24
Apportionment of School Fund .....	25
Additional Funds for Schools .....	31
Admission to Long Term Schools.....	33
Arbor Day .....	44
Agriculture Taught .....	45
Adoption of Text-Books .....	53
Arbitration of Local Tax .....	68
Ages at Which Children May be Employed in Factories.....	71
Affidavit to Ordinary Necessary Before Employing Children.....	72
Agriculture Must be Taught in all Schools.....	82
Agricultural Schools .....	113

## B

Building School Houses .....	18, 91
Bond of C. S. C. ....	20
Binding Out Children.....	46
Bids on School Books .....	52
Bonds for Book Adoption .....	53
Bonds in School Districts .....	113-114
Bids Rejected on Books .....	57
Bible in Public Schools .....	74
Bequest for Board and Education Includes Clothes.....	90
Book Lists .....	115

## C

Constitution .....	5
Composition of State Board .....	7
County Board Education .....	13
Composition Of .....	13
Compensation Of .....	13
Election Of .....	13
Certification Of .....	14
Removal Of .....	14
Vacancies On .....	14
Officers Of .....	14
Meetings Of .....	14

## County Board Education—Continued.

Duties Of .....	15
Appeals From .....	19
County School Commissioner .....	20
Minimum Salary of .....	22
County Superintendent Substituted for .....	20
Shall Use a Seal .....	22
Office at Court House.....	22
Election of Old Law .....	20
Election of New Law .....	23
Bond .....	20
Oath .....	20
Examination .....	20, 23-24
May be Postmaster .....	20
Removal Of .....	21
Successor To .....	21
Duties Of .....	21
Compensation Of .....	21
Administers Oaths .....	23
Reports Of .....	23
Elected by People .....	23
County Institutes .....	34-35
Supervisor Substituted for Experts .....	35
Subjects Taught At .....	34
Held by C. S. C. ....	34
Attendance Upon .....	34
Fines Imposed .....	34
Expert Conductor .....	35
Compensation For .....	35
Census .....	40-41
Time of Taking .....	40
Enumerators of .....	40
Compensation For Taking .....	40
New Enumeration Of .....	41
County Line Schools .....	42
Civil Government Taught .....	45
Contracts Book Adoption .....	53
County to be Districted .....	62
County Local Tax Election .....	66
Compensation for Collecting Local Tax.....	66
Calling Local Tax Election .....	66
Comptroller General to be Notified of Local Tax Levy.....	67
Corporation and Local Tax.....	68
Child Labor Law .....	71-81
No Child Under Ten to Work in Factory.....	71
Children Under Twelve to Get Certificate from Ordinary....	71
No Child Under 14 to Work at Night.....	71

Children Under 14 Must Attend School 12 Weeks.....	72
Child Labor Law—Continued.	
Affidavit Necessary Before Employing Children.....	72
Affidavits to be Inspected.....	72
Certificates of Election of M. B. E. ....	74
Crossing District Lines .....	75
Commissions to M. B. E. When Grand Jury Fails to Give Terms..	78
Contracts With Teachers of Local School Systems Not Valid.....	78
Common Schools Subjects Required .....	79
Changing District Lines Makes New District.....	79
County Commissioner Compelled to Avoid Claim.....	90
Course of Study .....	115

## D

Donation to Education .....	8
Duties State School Commissioner .....	10
Duties of C. S. C. ....	21-23
Distribution of School Fund.....	30
Diseases .....	47
Days to be Observed .....	48
Depositories For Text-Books .....	58
Decisions State School Commissioners .....	74-77
Right of County Board to Appropriate School Funds.....	77
Resignations Should go to Governor .....	74
Certificates of Election .....	74
Bible in Public Schools .....	74
Disturbing Schools .....	75
Pupils Crossing District Lines .....	75
Revoking Teachers License .....	75
Power to Contract With Board.....	75
Teachers Contracts Entire .....	75
Five Months Schools .....	76
Decisions State Board .....	78-79
Commissions to M. B. E. ....	78
Contract With Teachers of Local School System Not Valid...	78
Surplus, How Used .....	78
Common School Subjects Required .....	79
Changing District Lines Makes New District.....	79
Diploma of State Normal School Valid in Some Cases.....	80
Discounting Teachers Claims .....	82
Decisions of Supreme Court .....	90-93
Bequests For Board and Education, Includes Clothes.....	90
Dismissal For Cruel Treatment .....	90
County School Commissioners may be Compelled by	
Mandamus to Audit Claim.....	90
Power to Build School Houses .....	91
Right of Defense to Public Officers .....	91

Institute Conductors .....	34
Incidental Fees .....	42
Infectious Diseases .....	47

## J

Judicial Tribunal .....	19
-------------------------	----

## L

Long Term Schools .....	32-33
Supplemental Contracts For .....	32
Admission To .....	32
Licenses To Teach .....	36-39
Issued Upon Examination Only .....	36
Permanent License .....	38
Diplomas Not Honored .....	37
Grade of License .....	37
Revoking License .....	38
Forgery Of .....	38
Local School Systems .....	44
Local Tax Law .....	62-70
Redistricting Counties .....	62
Election of Trustees .....	64
County Election Of Tax .....	65
Limit To Tax Rate .....	65
Levy and Collection Of Tax .....	66
Tax Returns in Districts .....	66
Reports, Secretary and Treasurer of Board Trustees .....	69
Voting Out Tax .....	66
Local Tax Districts Controlled by Trustees Subjected to County Board .....	67
Local Tax Digest to be Furnished Tax Collector .....	68
Local Tax Arbitration .....	68
Local Tax on Corporations .....	69
Limit of Time in Using School Fund .....	80
List of Educational Institutions .....	113

## M

Meetings of State Board .....	7
Manual Labor Schools .....	43
Map of School Districts .....	63
Married Women May Teach .....	81
Managers of Local Tax Elections .....	85

## N

New Enumeration of Census .....	41
Notice of Books Adopted .....	59

When Two Claim Same Office .....	91
Decisions of Supreme Court—Continued.	
Discretion in Continuing Schools .....	91
Refusal to Comply With Regulations .....	92
District Agricultural Schools .....	113

E

Election State School Commissioner.....	10
Each County a School District .....	13
Election Members County Board Education.....	13
Employment of Teachers .....	15
Examination of C. S. C. ....	20-24
Election of C. S. C. ....	20-24
Estimate of School Fund .....	28
Examination of Teachers .....	36-39
Grading Of .....	36
Licenses Issued Upon .....	36
College Students Not Admitted Without.....	37
Permanent Licenses Upon .....	38
Subjects of .....	36
Special Examinations .....	36
Enumerators of Census .....	40
Evening Schools .....	43
Exemption of School Property .....	43
Exclusive Use of State Adopted Books.....	59
Expenses of School-Book Adoption .....	60
Election of Local Tax Trustees .....	64
Employment of Children .....	71
Elections in Local Tax Districts May Not be Held Oftener Than Every 12 Months .....	86

F

Financial .....	25-31
Forfeiture of School Fund .....	29
Failure to Operate Schools .....	30
Fines For Not Attending Institute .....	35
Forgery of License .....	38
Five Months Consecutive .....	76
Fraudulent Contracts May be Repudiated .....	80

G

Georgia Day .....	45
General School Law To Be Observed in Local Tax Districts.....	69

I

Itemized Statements of Accounts Against School Fund.....	25
Institutes .....	34-35

Officers County Board Education .....	14
Oath of C. S. C. ....	21
Oath Administered by C. S. C. ....	23
Office of C. S. C. ....	21
Operation of Schools .....	26
Oath of Census Taker .....	41
Ordinary and Comptroller General to be Notified of Local Tax....	67
Opinions Attorneys General .....	80-89
Fraudulent Contracts .....	80
Diploma of State Normal School Valid in Some Cases.....	80
Limit of Time in Using School Fund.....	80
Married Woman May Teach .....	81
School Population Basis For Appropriation of School Fund..	81
Agriculture to be Taught in all Schools.....	82
Relief of Surety on C. S. C's. Bond.....	82
School Officials May Not Discount Claims of Teachers.....	82
Railroad Taxes in School Districts .....	83
Managers of Local Tax Elections to be Paid Out of Local School Fund .....	85
Persons Over 18 May Attend School Upon Payment of Tuition .....	85
Election in Local Tax Districts Not Oftener Than 12 Months	86
District Lines May be changed But Destroys the Tax.....	87
Persons May Hold Only One County Office, But Two Public offices at One Time .....	88
Election Expenses .....	89

## P

Public Term .....	18
Prompt Disbursement of School Fund .....	25
Payment to Local Systems .....	27
Permanent License .....	38
Physiology and Hygiene Taught .....	44
Prices of Text-Books .....	55
Proclamation by Governor in Book Adoption.....	57
Powers of School Book Commission .....	59
Penalty for Using Other Than State Adopted Books.....	60
Penalty For Violating Child Labor Law.....	73
Power to Contract With Teachers Belongs to County Board.....	75
Persons Over 18 May Attend School on Paying Tuition.....	85
Persons May Hold Only One County Office But May Hold Two Public Offices .....	88
Power to Build School Houses .....	91

## Q

Quorum State Board .....	7
Qualifications of M. B. E .....	13
Quarantine .....	47

## R

Removal From Office of M. B. E.....	14
Races Taught Separately .....	18
Removal of C. S. C. ....	21
Report to Grand Jury .....	23
Revoking License .....	38
Redistricting The County .....	62
Removal of Local Tax Trustees .....	64
Reports of Local Tax Trustees .....	69
Resignations go to Governor .....	74
Reports of Elections of M. B. E.....	75
Revoking Teachers Licenses .....	75
Relief of Surety on C. S. S's Bond.....	82
Railroad Taxes in School Districts .....	83
Right of Defense .....	91
Refusal to Comply With School Regulations .....	92

## S

School Legislation, 1910 .....	93-101
To Enable County Boards of Education to Borrow Money....	93-94
To Allow Municipalities to Hold Local Tax Election.....	95
To Enable County Boards to Fill Unexpired Terms of Com- missioners .....	98
Person's High School Tax Amendment .....	97, 98
To Allow Districts Across County Lines .....	99-101
School Legislation, 1911 .....	101-112
Revising the School Laws of Georgia .....	102-111
To Provide for Special Examination of Applicants.....	112
School Legislation 1912 .....	113-117
Bonds in School Districts.....	113-114
District Treasurers, Bonds, Books, Etc.....	115-116
Uniform Terms For County Superintendents.....	117
Seal State Board .....	8
State Board Education .....	7-9
State School Commissioner .....	10-12
Election Of .....	10
Duties Of .....	10
Salary and Expenses of Office .....	11
Oath Of .....	12
Annual Report Of .....	11
Member Geological Board .....	12
Secretary and Executive Agent State Board of Education....	12
Sessions County Board Education .....	14
School Sub Districts .....	15
School Property .....	18
School Houses .....	18

Successor to C. S. C. ....	21
School Fund .....	25-31
Paid Directly Into Treasury .....	25
Appointment Of .....	25
Claims Against .....	25
Prompt Disbursements .....	25
Payment of, to Local Systems .....	27
Estimated Of .....	28
Sources Of .....	28
Forfeiture Of .....	29
Unused Balances Of .....	29
Distribution Of .....	30
School Year Begins Jan. 1.....	26
Supplemental Contracts .....	32
Supplemental Terms .....	32
Scholastic Month .....	43
Schools in New Counties .....	46
School Book Commission .....	49
Sub-Commission .....	50
Standard of Books Adopted .....	55
Supplementary Readers .....	59
Secretary of Board of Trustees and C. S. C. to Make Local Tax Digest .....	67
Surplus, How Used .....	78
Supreme Court Decisions (See D).....	90-93
State Educational Institutions .....	113

## T

Term of Office M. B. E. ....	13
Teachers' Contracts .....	15
Teachers' Reports .....	15
Trustees .....	16
Appointments Of .....	16
Duties Of .....	17
Taking Census .....	40
Terms of School-Book Contract .....	61
Teachers' Contracts Entire .....	75
Two Claiming Same Office .....	91

## U

Unused Balances .....	29
Uniform Terms for County Superintendents.....	117
Uniform Text Book Law .....	49-61
Commission .....	49
Uniform Series .....	49
Sub-Commission For .....	50



# INDEX.

129

Bids For .....	52
Uniform Text-Book Law—Continued.	
Adoption Of .....	35
Contracts For .....	53
Bonds For .....	53
Standard of Books .....	55
Prices of Books .....	55
Depositories .....	56
Books For Exclusive Use .....	59
Penalties for Violating .....	60
Expenses of Adoption .....	60
Terms of Contract .....	61
Repealing Clause .....	61

## V

Vacancies on County Board Education .....	14
Vaccination .....	19
Voting in Local Tax .....	65-66
Voting Out Local Tax .....	70

## W

Who May Vote in Local Tax Election .....	65
Who May Levy Local Tax .....	66
Who must Collect Local Tax .....	66







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